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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1287th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 24 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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Eighth periodic report of Denmark

* No summary records were issued for the 1285th and 1286th meetings.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Denmark (CEDAW/C/DNK/8, CEDAW/C/DNK/Q/8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Denmark took places at the Committee table.*

2. **Mr. Staur** (Denmark), introducing the eighth periodic report of Denmark (CEDAW/C/DNK/8), said that care facilities for both children and older persons had been set up to further promote women's full participation in the labour market and measures had been introduced to prohibit gender-based discrimination and promote gender equality, equal opportunities and affirmative action.

3. Women were increasingly becoming the breadwinners in families, often earning more than their husbands. However, more needed to be done to address the gender wage gap, gender segregation jobs and the low number of women in senior posts. The Government of Denmark had taken steps to strengthen women's position in the labour market, including the widening of the scope of gender-disaggregated pay statistics to cover small enterprises; the introduction of a maternity equalization scheme, to which private sector employers contributed and from which they received a refund to cover wages paid during maternity, paternity or parental leave; and the adoption of a bill on the recruitment of women to senior posts in the private and public sectors. Almost three quarters of all private companies had set targets for the number of women on their corporate boards.

4. As to education, in 2014 more than half the students enrolled at Danish higher education institutes had been women. A number of activities had been organized in order to encourage girls to study non-traditional subjects. A programme had been launched as a special temporary measure to encourage women to apply for scientific research posts.

5. Turning to the issue of violence against women, he said that victims had access to support, treatment, accommodation, telephone hotlines and psychological and legal counselling services. Furthermore, police, health and education officials received training on domestic violence. The number of women subjected to violence in Denmark had fallen significantly. A four-year action plan had recently been launched to prevent violence in the family, stalking and abuse within relationships.

6. Over the past few years, a series of action plans on the prevention of trafficking in persons had been implemented, with satisfactory results. A new prevention and support system had been set up, including a centre to combat trafficking, national, regional and local referral systems, safe shelter and housing, health services and a repatriation model. A further action plan on trafficking would be launched in 2015.

7. The Government of Denmark was working to eliminate social control and traditional and stereotyped gender roles among young persons from ethnic minorities. As a part of the National Strategy against Honour-related Conflicts, the authorities had carried out awareness-raising work among young persons, parents, authorities and civil society bodies to challenge traditional and stereotyped gender roles, resulting in an increase in the number of women members of ethnic minorities who felt that they had control over their own lives.

8. Civil society organizations working in the field of gender equality and women's rights received public funding and were often consulted regarding the development of relevant government initiatives.

9. A new strategy on gender assessment of public sector services had been launched and all new laws were reviewed to ascertain whether the gender perspective was adequately reflected.

10. The Strategic Framework for Gender Equality, Rights and Diversity in Danish Development Cooperation had been launched to promote gender equality and women's rights at all levels. Significant funding was provided to the United Nations Population Fund (UNFPA) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Denmark had formulated an action plan on the implementation of Security Council resolution 1325 on women, peace and security.

11. **Ms. Jóansdóttir** (Greenland, Denmark) said that the Government of Greenland had appointed a Minister for Gender Equality and had adopted a new act on gender equality prohibiting sexual harassment. Steps had been taken to ensure gender parity on the boards of public and semi-public companies and all public authorities were obliged to incorporate gender equality into planning and management work. Under that act, the Government was required to provide data on gender representation in both the public and private sectors on a regular basis. A new Council for Gender Equality had been set up to raise awareness of gender equality and gender equality ambassadors had been carrying out work at the grass-roots level. A government action plan on the prevention of violence against girls and women had been launched and the police force had put in place a programme to combat violence.

12. **Ms. Olesen** (Faroe Islands, Denmark) said that her Government needed to change attitudes to gender equality. More must be done to ensure that women were appointed to senior political positions, encourage women to enter non-traditional sectors of the economy and tackle the gender wage gap. The Government was in the process of drafting a gender parity policy.

Articles 1 to 6

13. **Ms. Schulz** asked how many times the Convention had been invoked in the Danish courts since its entry into force and whether it had been invoked in other bodies, such as the Danish Refugee Board. She wondered what provision there was for training on the Convention for judicial officials and for disseminating the Convention and its Optional Protocol.

14. She asked what the Convention's status was in the Danish legal order and whether the Government intended to reconsider its refusal to incorporate it — and other human rights treaties — into the legal order. The fact that unwritten rules were applied by the Danish authorities to ensure that national law was interpreted in accordance with the Convention, and the absence of an explicit constitutional provision, made for a lack of clarity and consistency with regard to protection against discrimination. She asked whether the Governments of Denmark, Greenland and the Faroe Islands intended either to review the relevant laws to ensure that the same protection was systematically provided in all fields, or to introduce a unified law covering all forms of discrimination, on all grounds and in all areas. She asked how women victims of intersectional discrimination could protect their rights and obtain reparation and whether complainants who had unsuccessfully invoked one ground of discrimination before a specialized board could then invoke the remaining grounds of discrimination before the courts. She asked whether the mandate of the Danish Institute for Human Rights would be extended to systematically cover the various fields of discrimination and whether the competence of all the relevant boards would be extended to cover gender identity.

15. She asked for further information on the situation relating to the protection of women's rights in Greenland and the Faroe Islands. She asked how the authorities intended

to overcome disparities between Denmark, Greenland and the Faroe Islands in terms of levels of protection and the active promotion of gender equality and whether there were plans to increase funding for the Danish Institute for Human Rights. Lastly, she asked whether the deep cuts in legal aid that had been carried out would be reversed.

16. **Mr. Bruun** expressed concern at the lack of Danish-language translations of Committee documents and the fact that no NGOs had sent representatives to meet with the Committee. He asked whether Denmark applied gender-sensitive asylum procedures and how the authorities assessed the risk of women and girls being re-trafficked, forced into marriage or subjected to female genital mutilation if deported to their countries of origin. A number of complaints in that regard had been received under the Optional Protocol, pointing to extensive mistrust among women asylum seekers, and he asked how the authorities intended to address that issue.

17. **Ms. Halperin-Kaddari** asked whether the Government of Denmark would reconsider its use of gender-neutral language. Gender-neutral language obscured and camouflaged discrimination against women by portraying reality as if men and women were equal and enjoyed equal starting points in every respect. In its replies to the list of issues (CEDAW/C/DNK/Q/8/Add.1), the Government stated that gender-neutral language was used in the Criminal Code and that it was not possible to calculate the number of women killed by their intimate partners since that information was not stored electronically. The lack of systematic gender-disaggregated data thus obscured the fact that the face of the domestic violence victim was still female. She wondered whether the State party was aware of the dangers that posed.

18. **Ms. Pomeranzi** asked whether Denmark had any plans to improve its gender mainstreaming strategy, for instance by adopting legislation to require the collection and dissemination of gender-disaggregated data, or by the use of gender budgeting for calculating the resources required to integrate gender into ministries' regular work. What steps had the Government of Denmark taken to fulfil its obligations in terms of equal treatment and equal pay for men and women?

19. **Mr. Hertz** (Denmark) said that the Convention was considered to be a source of law and was applied by the courts and other judicial authorities. The Supreme Court had ruled that an unincorporated convention could not prevail over an act of parliament that was specific and unequivocal. Furthermore, international treaties were subordinate to the Constitution. Following a public hearing, it had been decided not to incorporate any international human rights instruments into the domestic legal order because to do so might entail a transfer of powers from parliament to the courts and the Government wished to ensure that the elected representatives of the people continued to be responsible for compliance with international obligations. There were currently no plans to reconsider that decision.

20. The Government did not intend to carry out an overall assessment of the various laws on discrimination or to extend the competence of the relevant bodies. As to access to justice, victims of discrimination who had previously taken their case to a specialized board could subsequently turn to the courts.

21. With regard to differences between Denmark, Greenland and the Faroe Islands, he said that each had its own Government and parliament and they therefore sometimes took differing approaches to the same issue. Lastly, he said that there had not been any significant cuts in legal aid. The number of applications for legal aid that fulfilled the relevant criteria had fallen, however, leading to a corresponding decrease in expenditure.

22. **Ms. Hansen** (Denmark) said that the strategy on gender mainstreaming, launched in spring 2013, aimed to strengthen and systematize mainstreaming in public authorities, with a particular focus on public relations and public services. The Government conducted

gender impact assessments of all draft legislation, and a ministerial network was in place for dialogue with municipal authorities on gender mainstreaming. Efforts were made to use data to show where gender mainstreaming was required and what its benefits would be. The Danish national statistics institute had a wide range of gender-disaggregated statistics at its disposal, including data on the labour market, income levels, social benefits and the family. Even so, greater efforts were required to collect and use gender-disaggregated statistics at the municipal level. Surveys had been done to gather information on trends in the use of services by men and women, and on their needs and the services they wanted. Experiences in gender mainstreaming had been shared between Nordic countries: while others used a top-down approach, Denmark focused on needs assessments in small geographic areas; both approaches had borne fruit.

23. **Ms. Appel** (Denmark) said that efforts would be made to ensure that, in future, the Committee's concluding observations were translated into Danish and made publicly available. The Government worked in close cooperation with NGOs, meeting every six months to exchange views, knowledge and information. NGOs and parliamentary committees had been informed that the dialogue with the Committee was due to take place, and had received all relevant documentation.

24. **Ms. Olesen** (Greenland, Denmark) said that in Greenland, the provisions of the Convention were incorporated into domestic law pertaining to the relevant sectors, such as health, education and labour. Whenever a new bill was drafted, account was taken of Greenland's international obligations, to ensure that they were properly incorporated into the new legislation. The Ombudsman's office and the judiciary, both of which were independent, were available to receive individual complaints of violations of rights under the Convention. The number of judicial bodies and courts was limited, owing to Greenland's small population. Consideration would, however, be given to the possibility of creating others, including a labour tribunal, based on the experience of other countries with populations of similar size.

25. The law on gender equality was tough on dismissal of pregnant women. In the event of a complaint, the worker's trade union would decide whether the case should be taken to court. The Committee's previous concluding observations, along with the text of the Convention, the State party report, the list of issues and the delegation's opening statement were available in Danish, English and Greenlandic on the website of the Greenland Ministry of Family, Gender and Social Affairs. On the delegation's return to Greenland a press release would be issued to inform the public about the dialogue with the Committee, and on receipt of the concluding observations, an action plan for follow-up would be prepared.

26. **Ms. Jóansdóttir** (Faroe Islands, Denmark) said that, in line with the parliamentary act on home rule, in the event of a conflict between domestic legislation and the international law to which the Faroe Islands were party, the international provisions would take precedence. A parliamentary circular to that effect was due to be issued in March 2015, referring specifically to the international human rights conventions to which the Faroe Islands and Denmark were party. Gender impact assessments were carried out on new legislation, and the Prime Minister of the Faroe Islands had the authority to prevent the passing of any laws that had not been checked for discriminatory provisions.

27. **Mr. Kovacs** (Denmark) said that the Gender Parity Law had been passed in 1994 with a view to eliminating all forms of gender discrimination, in part by guaranteeing equal pay, equal rights to parental leave and equal access to public boards. Any violations of human rights under that law could be prosecuted, and a standing arbitration court was available to handle labour disputes.

28. **Mr. Kieffer-Kristensen** (Denmark) said that it was well established in Danish law that gender-based persecution could constitute a relevant or decisive factor when assessing asylum claims, and that the asylum system must take account of the specific needs of women. The annual report of the Danish Refugee Appeals Board was the most comprehensive source of asylum case law in Denmark, and included cases of trafficking, forced labour and harmful practices such as female genital mutilation. Cases related to marital conflict did not necessarily lead to the granting of asylum protection, depending on what protection was provided in the applicant's country of origin. All asylum applicants came before the Appeals Board and were guaranteed the presence of legal counsel. The asylum authorities in Denmark were aware of the Convention, and it had been invoked in some cases. A gender-sensitive approach was used in all aspects of the asylum process: special accommodation was provided for women in reception centres; staff were trained in interviewing members of vulnerable groups and identifying cases of trafficking or gender-related persecution. Dialogue between the asylum authorities and NGOs was ongoing and regular workshops were held to share the experiences of those working with asylum seekers.

29. **Mr. Staur** (Denmark) said that when considering whether to translate international texts into Danish, consideration was given to the target group's proficiency in English, since translation services for long legal texts could be costly.

30. **Ms. Jahan** said that, despite the State party's integration of the concept of formal equality and gender neutrality in its laws and policies, there were still areas in which de facto equality was lacking. She asked what was being done to increase the number of women in senior decision-making and administrative positions in universities, and whether any temporary special measures were being considered to guarantee equal opportunities for women in the field of research.

31. Although Denmark had made great strides towards equal participation of women in politics at the national level, women remained underrepresented at the municipal level. She wondered whether any measures were foreseen to rectify that. She also wondered what was being done to encourage the participation of women from minorities, in particular refugees, immigrants and women with disabilities. While she welcomed efforts to improve women's participation in business in the public and private sectors, she wondered whether the European Union proposal regarding quotas for women's representation on the boards of listed companies was being implemented.

32. **Ms. Hofmeister** asked why efforts to overcome gender stereotypes had not been successful. She wished to know what role the media was playing in those efforts, and wondered whether the media did not in fact protect traditional power relations between men and women, particularly in the private sphere. She requested information on the number of cases in the Danish courts in which women and girls had been the victims of harmful practices, and the judgements handed down.

33. **Ms. Haidar** expressed concern that, despite purporting to have a well-functioning system to prevent violence against women, the State party did not have an adequate definition of rape, one covering marital rape and sexual violence, for example, in its legislation. She requested data on the number of investigations and convictions following rape allegations during the reporting period and on the number of women murdered by their intimate partners. The Committee had been informed that the implementation of anti-violence policies differed from municipality to municipality. She would therefore appreciate information on the mechanisms in place to ensure that effective protection measures such as the issuing of restraining orders, were taken by the police to prevent domestic violence.

34. **Ms. Gabr** said that Denmark was primarily a country of destination for trafficking and the number of unaccompanied migrant children vulnerable to sex trafficking and forced

labour was increasing. She therefore wished to know what measures the Government was taking to protect potential victims, in particular migrants in an irregular situation. She wondered whether the focus on repatriation of victims meant that there was little incentive for them to participate in the prosecution of their traffickers, thereby presenting an obstacle to bringing those traffickers to justice. She asked what measures were taken to protect victims and facilitate their participation as witnesses in trials.

35. **Ms. Leinarte** said that, while she welcomed the State party's holistic approach to the elimination of prostitution, she wondered why prostitution had not been criminalized, particularly given that the experience of neighbouring countries, such as Sweden, had shown criminalization of prostitution to be effective. She would appreciate information on the results of the State party's four-year project on leaving prostitution.

36. **Ms. Appel** (Denmark) said that gender equality in higher education was a matter of priority for the Government. Higher education institutions were obliged to set quotas for women's participation on their boards, and to ensure equality at the managerial level, as a result of which progress had been made. In recent years there had been an increase in the number of female researchers at all levels, especially at the doctoral level. In order to renew the focus on gender equality, the Ministry of Higher Education and Science was cataloguing initiatives taken within universities, research councils and foundations, the results of which would be made public. Temporary special measures in higher education required the approval of the Minister: three such measures had been approved, two at the University of Copenhagen for the appointment of researchers, associate professors and professors, and one at the University of Århus regarding economic incentives to hire associate professors.

37. Women's participation in politics at the municipal level was indeed lacking, as women just did not stand for election. Political parties were increasingly aware of the need to raise awareness and encourage female candidates.

38. **Ms. Johansen Karman** (Denmark) said that efforts were being made to encourage women from minority groups to participate in public life: several campaigns were under way, such as the "mothers vote" campaign, which encouraged mothers from minority communities to vote, based on the idea that mothers' participation in politics increased the likelihood of their children's participation in future. In the "district mothers" campaign, resourceful women from ethnic minorities reached out to isolated women whom the municipal authorities struggled to reach, with a view to helping to empower them to take more control over their own lives.

39. **Ms. Hansen** (Denmark) said that legislation had been passed on measures to rectify the underrepresentation of women on company boards and in management positions. The measures would apply to 1,200 of the largest private companies in Denmark and all State-run companies with more than 50 employees, and companies had to report annually on the progress made to encourage women's participation and any measures taken. As a result, the majority of companies had set targets for women's participation on their managerial boards, and positive results had already been achieved. Women now accounted for an average of 33 per cent of board members in State listed companies. Denmark did not agree with the European Union proposal on quotas for listed companies, which it found limiting. The model applied in Denmark was showing positive results in both the public and private sectors.

40. **Mr. Hertz** (Denmark) said that, under the Criminal Code, rape was defined as the act of using violence or threats of violence to have sexual intercourse, or engaging in sexual intercourse by duress or with a person in a state or situation in which they were incapable of resisting. Information about rape charges and convictions was maintained electronically in the police case-handling system.

41. Although already an offence under the general provisions of the Criminal Code, female genital mutilation had been expressly criminalized in a specific provision added in 2003. Since that time, the police had dealt with four cases but only one had been taken to court, resulting in the conviction of the mother. Forced marriage had been expressly criminalized in a specific provision added in 2008. According to statistics, the police had dealt with 18 cases between 2008 and 2011. None of them had gone to court but at least two of the girls concerned had been able to escape forced marriage. Comprehensive, up-to-date data were not available but in the two police districts surveyed, no cases had been reported since 2011.

42. After analysing the situation in Sweden and Norway and surveying a sample of prostitutes about the possible impact of legislative change, in 2012 the Government had taken the decision not to make the purchase of sexual services a criminal offence. Thus, prostitution remained legal unless persons under 18 years old were involved.

43. **Ms. Abel Lohse** (Denmark) said that between 300 and 400 rapes had been reported each year since 2011. The conviction rate had been between 20 and 25 per cent. The value of case statistics was limited as they were sourced from the Danish police case-handling system, which had not been designed with data analysis in mind. However, the new case-handling system currently under development should be better equipped for that purpose.

44. **Mr. Kieffer-Kristensen** (Denmark) said that victims of trafficking were handled within the country's immigration system. The anti-trafficking action plan contained preventive, supportive and investigative measures and was subject to regular review by independent experts. Improving protection for victims was a particular focus and new legislation had been enacted in 2013 to that end. Under a key new provision the reflection period during which victims of trafficking were legally permitted to remain in the country had been extended to 120 days. Temporary leave to stay was further extended if the victims were involved in criminal proceedings. Actively contributing to the investigations did not guarantee permanent leave to remain but all victims had the right to apply for asylum and asylum had in the past been granted when repatriation was thought likely to place the applicant at risk of persecution. Victims who did not obtain or did not seek permanent leave to stay had access to a repatriation support programme managed by the International Organization for Migration (IOM) which offered legal, psychological, educational, employment and, in some cases, financial assistance. The period during which support was available in the home country had recently been extended to six months. About 50 migrants had benefited in the second half of 2014.

45. **Ms. Lippert** (Denmark) said that Danish soldiers deployed on international missions were required to adhere to a specific code of conduct and were not permitted to engage in sexual relationships with prostitutes or other local people. The use of prostitutes while on leave was also discouraged, including in countries where prostitution was legal.

46. **Ms. Olesen** (Greenland, Denmark) said that Greenland had not legislated to promote gender equality in government and that it was up to individual political parties to adopt internal gender equality provisions.

47. **Ms. Jóansdóttir** (Faroe Islands, Denmark) said that there were no plans to adopt quotas for women on electoral lists, although the possibility had been considered. Some political parties had adopted 50-50 lists but the Government position was that all candidates should be able to run freely for election.

48. **Ms. Halperin-Kaddari** said that the State party's inability to provide precise figures for the number of women killed by their partners was worrying. It was a deficiency in the police case-handling system and should be resolved as a matter of urgency. She was also concerned that the definition of rape contained in Danish legislation was not in line with the Council of Europe Convention on preventing and combating violence against women and

domestic violence (Istanbul Convention) as it did not expressly cover all non-consensual sexual acts.

49. **Mr. Bruun** asked whether the State party was planning to add a general prohibition of discrimination to its legislative framework, as required under the Convention, as well as an express prohibition of psychological violence, as required under the Istanbul Convention.

50. **Ms. Schulz** asked why it might be that the Convention had been invoked only once in court, despite apparently being a regular source of reference in legislative planning; for what reason applications for legal aid might have declined; and whether women who chose to pursue their grievances before specialized boards instead of going to court — and were therefore limited to seeking redress on one ground only — risked receiving a lower amount of compensation. She also sought more details about the domestic mechanisms used to implement the Committee's concluding observations.

51. **Ms. Pomeranzi** asked whether the State party might consider adopting a law that would make statistical gender reporting compulsory at the national and local levels. Gender budgeting at the local level might also be an effective means to promote gender mainstreaming.

52. **Ms. Leinarte**, noting that it had been statistically proven that criminalizing the purchase of sexual services reduced the number of women engaged in prostitution, asked why Danish men were strongly discouraged from buying sex in foreign countries but were under no such restriction at home.

53. **Mr. Hertz** (Denmark) said that the Government had conducted a comprehensive legislative review prior to ratifying the Istanbul Convention and had decided that no amendments were needed; there was no requirement for domestic legislation to use the same language to describe equivalent conduct. The definition of rape established in section 216, paragraph 1, of the Criminal Code implicitly covered all non-consensual sexual acts and in fact, in the Government's view, used more precise language than the Istanbul Convention. Protection against psychological violence was guaranteed under section 245, paragraph 2, of the Criminal Code, which criminalized the causing of any harm to the health of another, and under section 266, which dealt with the use of threats.

54. The court case in which the Convention had been invoked had been a case before the Supreme Court. The Convention had probably been cited in cases before other courts but the searchable online database contained Supreme Court case law only. It was usually necessary to consult privately published reports for details of lower court judgements. There were most probably also unreported court references to the Convention.

55. There was no evidence of a decline in legal aid and there had been no changes to the rules governing access to legal aid. The annual budget served as an estimate for planning purposes, not as a limit. Decisions on whether or not to grant aid were based on specific criteria evaluated on a case-by-case basis by an independent body.

56. The rationale behind the specialized boards was that experts in specific areas were best equipped to rule on specific forms of discrimination. In any case, pursuing a grievance with a specialized board did not prevent women from applying to the courts subsequently if they felt that redress had been insufficient or they wanted to bring a case of multiple discrimination.

57. **Ms. Hansen** (Denmark) said that legislative texts in Denmark were gender neutral and a gender equality assessment was conducted whenever a new policy or regulation was formulated. All public institutions, including municipal authorities, reported biennially on their efforts to mainstream gender. Their reports were used to compile an index rating the municipalities on a five-point scale. The index was available for public consultation online, which was a considerable incentive for ongoing improvement. However, there were no

plans to enact legislation that would make statistical gender reporting compulsory for municipalities. Gender budgeting had been used in some municipalities but had been found costly and had not yielded the results expected. For the time being, it was being used in targeted areas only.

58. **Ms. Appel** (Denmark) said that an interministerial working group had been established to oversee the preparation of periodic reports and follow up on concluding observations. Responsibilities were clearly apportioned to ensure that all conclusions and recommendations were taken into account.

Articles 7 to 9

59. **Ms. Haidar** said that, although the State party came fifth overall in the 2014 Global Gender Gap Report published by the World Economic Forum, it ranked markedly lower on certain indicators, including the gender gap among legislators, senior officials and managers. The recent decline in the number of women elected to local government office and the European Parliament, however slight, should be viewed with concern and addressed accordingly. She would like more information about the number of women in the police force and the judiciary, and the positions they held.

60. The new legislation to promote the participation of women on the boards of large public and private enterprises was an excellent initiative but appeared to have had only limited impact to date: only 2 per cent of 170 companies surveyed had reported an even gender distribution on their boards. Information about how compliance with the legislation would be achieved, whether sanctions would be introduced for non-compliance and what measures would be used to improve the gender mix would be appreciated.

61. **Ms. Ameline** asked how the State party ensured that ethnic and religious diversity were adequately reflected in policy.

62. **Ms. Jahan**, noting that domestic legislation was not fully compliant with the two international conventions on statelessness to which Denmark was a party, asked whether the State party planned to revise its laws to reduce cases of statelessness, in particular by removing the requirement that at least one of the parents should be a national in order for a child born in Denmark to qualify for Danish citizenship. That provision could render a child born in Denmark stateless if the father was unknown and the mother was either stateless or unable to transmit her nationality by reason of her sex. Information about measures to protect stateless persons would also be useful.

The meeting rose at 1 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1288th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 24 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Denmark (continued)

* No summary record was prepared for the rest of the meeting.

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Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Denmark (continued) (CEDAW/C/DNK/8; CEDAW/C/DNK/Q/8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Denmark took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Appel** (Denmark) said that the number of Danish women representatives to the European Parliament had fallen by just one as a result of the 2014 election and that Denmark had a long-standing tradition of electing female European commissioners. All citizens had the right to stand for election without discrimination of any kind. The issue of equal participation in public and political life was debated in the media and women were able to influence democratic processes by, inter alia, serving on the governing boards of schools and day-care institutions.

3. **Ms. Hansen** (Denmark) said that failure to comply with the Danish model mentioned in paragraph 18 of the replies to the list of issues (CEDAW/C/DNK/Q/8/Add.1) was punishable by law. No sanctions had been imposed to date as the model had only recently been introduced, but companies had been reminded of their obligations. Since 2014, the percentage of companies included in the model whose boards had struck a gender balance had risen from 2 to 17 per cent. Among state-owned companies, almost half had achieved gender balance at board level.

4. **Mr. Staur** (Denmark) said that the participation of women in international relations was a key concern for the Government, which had contributed to discussions on the role of women in the peace processes in Somalia, Mali and Tunisia.

5. **Mr. Kieffer-Kristensen** (Denmark) said that Denmark was a party to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. It granted nationality to persons born in its territory who would otherwise be stateless on application to the Ministry of Justice. In response to a controversial incident that had come to a head in 2011 involving the denial of citizenship, a parliamentary commission had been established to ensure compliance with international instruments relating to statelessness and a unit had been set up within the Ministry of Justice to handle cases that raised issues under those instruments.

6. In May 2013, the Government had concluded a political agreement on the conditions for acquiring nationality, with special provisions for stateless applicants. Moreover, a website had been created to inform stateless persons of their rights under domestic law, which, in his view, did not need to be amended. The Government acted in compliance with the *Handbook on Protection of Stateless Persons* published by the Office of the United Nations High Commissioner for Refugees.

7. **Mr. Hertz** (Denmark) said that, between 2008 and 2011, 39 women and 8 men had been murdered by their partner or ex-partner.

8. **Ms. Jahan** said that she would appreciate further information on the nationality agreement of May 2013. The delegation should also indicate whether the minimum age requirement for spouses/partners to apply for a residence permit on the grounds of family reunification had been relaxed.

9. **Mr. Kieffer-Kristensen** (Denmark) said that the 2013 agreement, which was accessible through the website of the Ministry of Justice, had been concluded by political parties with the aim of expediting naturalization cases and encouraging the competent authorities to place greater emphasis on international obligations.

10. The so-called 24-year rule to qualify for family reunification was a gender-neutral requirement introduced in 2002 to prevent forced marriages and promote the integration of persons with an immigrant background. Studies had shown the rule to be effective: between 2000 and 2008, the percentage of 23-year-old women with an immigrant background who had been married had fallen from 46 to 19 per cent.

Articles 10 to 14

11. **Ms. Gbedemah** said that she wished to know what temporary special measures were in place to encourage girls to study technical subjects, for which the take-up rates remained low, and would appreciate gender-disaggregated data on educational funding. It was not clear why the increase in the number of women professors in academia since 2009 had been disproportionately low, what was being done to address the situation, whether all universities had adopted similar temporary special measures and, if so, whether follow-up had been given and gender impact assessments carried out. She also noted that there appeared to be no national postgraduate or doctoral courses on gender studies.

12. She asked what steps were planned to raise awareness of the Innovation Fund Denmark, which, according to reports, was relatively little known, and encouraged the State party to incorporate a gender component in teacher-training curricula. Lastly, she would appreciate gender-disaggregated data on students with disabilities and on the education system in Greenland, where no temporary special measures had been adopted.

13. **Ms. Acosta Vargas** asked whether there were plans to promote women's access to full-time work and campaigns to raise public awareness of the importance of sharing domestic responsibilities. The delegation should comment on the fact that 94 per cent of parental leave was taken by women and that, in the Faroe Islands and Greenland, a large proportion of women were employed as part-time caregivers.

14. She wished to know whether migrant workers had the same labour rights as citizens and whether Denmark intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The delegation should also indicate when the Government expected to achieve equality with regard to women on company boards and in management positions if current trends continued.

15. **Mr. Bruun** said that he would be grateful if the delegation could comment on reports that: there were no systematic policies to address unequal pay and gender segregation in the labour market; employees who suspected wage discrimination had no independent right of access to information on the wages of co-workers; there were many cases of discrimination on the basis of pregnancy; and progress with regard to paternity leave had been slow. He asked whether Denmark planned to ratify the Domestic Workers Convention, 2011 (No. 189) to afford greater protection to aux pairs and what was the status of the bill on public procurement mentioned in paragraph 18 of the replies to the list of issues.

16. **Ms. Arocha Domínguez** said that the national downward trend in the number of abortions since 2009 was not reflected in Greenland. Regarding the Faroe Islands, she said that she would welcome age-disaggregated statistics on abortion and enquired about the process of authorizing abortions among women with severe mental or physical disabilities. The delegation should indicate what steps were taken to ensure that the reproductive rights of such women were not violated.

17. Turning to the issue of sexual health, she would appreciate additional information on the scale, coverage and outcomes of the prevention packages and model referred to in paragraph 19 of the replies to the list of issues. The delegation should also elaborate on central government policies to combat HIV/AIDS and indicate what progress had been achieved since 2009. Lastly, she wished to have information on the leading causes of death in Denmark and asked why the life expectancy of men had grown by more than that of women between 2000 and 2011.

18. **Mr. Staur** (Denmark) said that there was equal access to universities and higher education generally and women constituted 56 per cent of the intake. All higher educational institutions were required to have strategies to promote gender equality, but exceptional steps were being taken to improve the gender balance in science. Thus the Danish Council for Independent Research had since 2013 been trying to remove the invisible barriers preventing the advance of women. The heads of higher educational institutions were required to submit annual reports stating and accounting for the gender balance in their institutions. Both men and women had to be represented in steering groups for projects supported by the Council. In addition, the Ministry of Higher Education and Science had appointed a task force to promote gender equality.

19. **Mr. Feldbaek Winther** (Denmark) said that equal access and treatment were a basic principle of the educational system, but girls were performing better than boys at every level, from primary school to university. Various projects were, however, being undertaken to encourage women to enter the sciences, engineering and mathematics. One project aimed to show girls that information technology involved not just computers but also cooperation and team work. In another project, the Danish Institute for Human Rights had carried out an analysis of gender mainstreaming in youth guidance centres. The results of all the 10 projects undertaken were available online. Since 2013, the House of Natural Sciences had held an open day at which girls could be introduced to technical education and meet role models. A website entitled "The future is yours" provided information on the available opportunities. Denmark currently held the presidency of the Nordic Council of Ministers and aimed to carry out an analysis of girls' involvement in science and to help children choose their speciality freely, without succumbing to gender stereotypes.

20. **Ms. Kisling** (Denmark) said, with regard to gender equality in the labour market, more women worked part time than men, but it should be remembered that part-time work could also be a stepping stone to the full-time labour market or a way of keeping women in work by enabling them to balance their private and professional lives. At the same time, it could be difficult to move from part-time to full-time work, so the Government was focusing on the proportion of women in full-time work. The municipalities and regions had adopted recruitment policies for the care sector, in which new positions would be full time. Equally, gender segregation in the labour market persisted and the Ministry of Employment had allocated funds to map the trends in that area. A report on the issue would be completed by the end of 2015 and would form the basis for future policy. In order to promote equal pay for work of equal value, the Government had introduced new regulations — and extended the previous regulations to smaller companies — requiring companies to produce gender-disaggregated statistics. As a follow-up, a manual on implementing the rules would be drawn up. As for the question of parental leave, women and men had equal rights, but mothers still took the majority of available shared leave. However, the proportion of leave taken by fathers was rising. Denmark had just concluded the latest round of collective bargaining for the public sector, which allowed for temporary special measures to be taken regarding pay during parental leave for fathers. Such measures would encourage fathers to take more leave and promote equal sharing of parental leave. With regard to the question of aux pairs, there were no plans to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

21. **Ms. Appel** (Denmark) said that the Government would shortly submit a new law on public procurement to the parliament, under which contract terms and conditions would include the promotion of equality between women and men and increased participation by women in the labour market. In 2013, Denmark had established the Council for Private-Public Cooperation to support competition for public sector contracts that promoted gender equality. The Council itself was required to have a fair balance between the sexes and currently comprised of 10 women and 8 men.

22. **Ms. Findsen** (Denmark) said that women in Denmark had had the right to an induced abortion before the end of the twelfth week of pregnancy since 1973. The number of abortions had decreased from 16,736 in 2009 to 15,073 in 2013. The abortion rate had fallen from 13.4 per cent per 1,000 women in 2009 to 11.9 per cent per 1,000 women in 2013. Rates were also falling among 15–19-year-olds, from 2,373 in 2011 to 2,163 in 2013. Women were also entitled to various services, including counselling before and after an abortion.

23. A number of measures had been taken to improve sexual health, both centrally and in the health policies of most municipalities, which were provided with support from non-governmental organizations (NGOs) funded by the Government to train health professionals, establish health networks and provide advice. A centre had been set up to advise the municipalities and its performance would be carefully monitored. A model for strengthening sexual health had been developed and evaluated. Extra funds had been allocated and education on sexual health was provided by several municipalities. The Ministry of Health, in partnership with the Danish Family Planning Association, would develop materials relating to sex and the body, relationships and sexuality. The sexual health of minority groups was a priority for the Government, with some projects targeting immigrant women generally and others targeting specific ethnic groups. One initiative had been to train peer educators to help women in socially troubled communities. Outreach and antenatal care was also provided for socially disadvantaged persons across the country, including women from minority groups. With regard to HIV/AIDS, she said that, in 2013, there had been 54 new cases of women contracting HIV; by the end of 2013, a total of 1,798 women had tested positive for HIV since 1990, of whom two thirds were of non-Danish ethnic background. Women were not specifically targeted in HIV/AIDS initiatives, but formed one of the risk groups, along with intravenous drug abusers.

24. As for life expectancy, she was able to provide the Committee with the latest figures: life expectancy for women had risen to 82.7 years in 2014, as against 78.5 years for men. It was a record for Denmark but still lower than in other countries of the Organization for Economic Co-operation and Development (OECD).

25. **Ms. Olesen** (Greenland, Denmark) said that she could not provide specific data on women's education in Greenland, where a very low number of people sought education at all. In 2012, 57 per cent of women had sought education, as against 43 per cent of men. In 2013, the percentages had been 54 per cent of women and 46 per cent of men and the proportion had risen again in 2014, with 57 per cent of women as against 43 per cent of men. There had been an increase in the number of women and men getting an education leading to qualification: between 2009 and 2013 the number of people completing training leading to qualifications had risen by 14 per cent and women constituted 61 per cent of the total number. In higher education, there were more than twice as many women as men: 69 per cent, as against 31 per cent of men. In that connection, she said that, since applications for higher education had to be made on 1 March, the Government ran a campaign every February to attract both sexes into education. Equally, efforts were made to attract men into work traditionally done by women, and vice versa. With regard to abortion rates, she said that they were unacceptably high. The Government was trying various approaches, including the doll project, in which girls — and also boys — aged around 12 to 14 were

given a lifelike baby doll to look after. The scheme had proved fairly effective, in that the chores involved made the children realize that early motherhood might not be very attractive. In addition, contraceptives were provided free and campaigns were frequently run to discourage young people from engaging in dangerous sexual activities or risking pregnancy. It was, however, a slow process.

26. **Mr. Helgason** (Faroe Islands, Denmark) said that the gender segregation in the labour market in the Faroe Islands was a problem, one example being the fact that 94 per cent of workers in the care sector were women. Generally, women tended to dominate the public sector and men the private sector, in such areas as fisheries and aquaculture. More than half of all Faroese women worked part time, less than 35 hours per week. There was, however, a political consensus that reforms should be made and there were grounds for optimism. There was no difficulty with access to the labour market for women and childcare was easily available and cheap. A complicating factor was that, out of a population of 49,000, there was a deficit of 2,000 women. With regard to abortion, he could not say why the number of abortions among females under 18 had dropped. The explanation might be simply that young women were more aware of contraceptive measures. The abortion law in the Faroe Islands dated back to 1956 and, although many plans to revise it had been put forward, there was still no consensus on change. Abortion could be allowed where there was a risk to a woman's life or health, where the pregnancy was due to rape or where the foetus showed serious damage leading to mental or physical disability. Abortion was not as easily accessible as in Denmark or Greenland. The decision on whether to refer a woman for an abortion was made by a doctor. An advisory service had been set up in 2007 offering free and confidential advice about abortion.

27. **Ms. Pomeranzi**, after commending the delegation on its many successes in the advancement of women, asked whether there was any reason why the proportion of women entrepreneurs seemed not to have risen from the level of 25–27 per cent registered in 2011. Secondly, she noted that there was an increasing risk for women in Denmark of living in poverty, owing to the fact that Denmark did not have a national poverty line and so had no specific measures to tackle the issue. She asked whether there were targeted measures for women living in remote settlements in Greenland and the Faroe Islands.

28. **Ms. Gabr** asked what challenges were faced by rural women in Greenland and the Faroe Islands, what plans were in place to support those living in remote areas and whether they were considered to fully enjoy their human rights. She said that she wished to know what action was taken in Denmark, Greenland and the Faroe Islands in order to assist other groups of disadvantaged women, such as older women and women with disabilities. She asked what steps had been taken to ensure that migrant women could preserve their cultural identity while living in harmony with the wider society.

29. The requirement that both spouses applying for family reunification must be at least 24 years of age would not in itself prevent forced marriage, as the family of the spouse living outside Denmark could simply wait until the person concerned reached that age before forcing her to join her husband. What was being done to prevent such scheming? More awareness-raising and outreach measures were required. Turning to the situation of stateless women and their children, she said that general recommendation No. 32, on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, should be taken into account when considering cases involving asylum seekers.

30. **Ms. Kisling** (Denmark) said that, in 2014, the Government had extended its "maternity equalization scheme" to self-employed persons, under which additional pay was provided to self-employed persons on maternity, paternity or parental leave. All self-employed persons were obligated to contribute to the scheme, which was self-funding.

31. **Ms. Hansen** (Denmark) said that in the Danish welfare system, grants and benefits were based on the income and the marital status of the citizen: single parents were entitled to several types of child support and received greater housing benefits. In Denmark, far more women than men were single parents and therefore more of them received benefits, even though most divorced fathers participated in the maintenance of their children. Since submitting its seventh periodic report, Demark had made some adjustments to the rules governing family benefits, which had improved the economic situation of single parents, including the single parents of children conceived by artificial insemination, and adoptive single parents, the majority of whom were women.

32. A national poverty index in Denmark measured the income of single and cohabiting parents over a three-year period. The most recent statistics identified 42,000 persons as being poor out of a population of 5 million.

33. As a result of educational and career choices, women tended to leave and men to remain in rural areas; between 2008 and 2014, the number of municipalities with less than 90 women per 100 men between the ages of 20 and 29, had risen from 37 to 59.

34. **Ms. Johansen Karman** (Denmark), referring to the question of forced marriage, said that the idea behind the 24-year rule to qualify for family reunification was that young persons of that age would be better able to withstand the pressure to marry against their will. Statistics showed that there had been a positive change in social and marriage patterns since the law had been introduced, as the percentage of female non-Western immigrants who married between the ages of 17 and 23 had decreased from 40 per cent in 2000 to 23 per cent in 2012 while the number of young immigrants in education had risen significantly.

35. **Ms. Birch Møller** (Denmark) said that the Government had introduced a range of strategies and awareness-raising initiatives in order to combat forced marriages, including a national strategy against honour-related conflicts and a strategy against parallel legal concepts which aimed to prevent women and minors from being forced into a religious marriage or kept in a religious marriage against their will.

36. **Ms. Olesen** (Greenland, Denmark), turning to the question of women living in remote villages in Greenland, said that the country faced specific challenges in relation to its geography, climate and demography; approximately 56,000 inhabitants lived in 18 towns and a large number of small settlements in the world's largest island. Since the economy was limited and fragile and the country lacked educated labour, it was not possible for the country to establish the same social measures as those of its Nordic neighbours. Women and men had equal access to education and health care in Greenland, although living conditions and traditional gender patterns had an impact on the life of rural women: they must either make the radical choice to pursue an education or find employment in a city that was several hundred kilometres from their home or stay in the settlement and live in a traditional manner. Old age forced women and men to move to the city, although many indicated that they would prefer to stay in their settlements. Housing and institutions were provided for women with disabilities in the larger settlements and cities.

37. **Ms. Jóansdóttir** (Faroe Islands, Denmark) said that although a national poverty line had not been established for the Faroe Islands, a well-functioning welfare system provided financial support and facilities for poorer women, the elderly and people with disabilities.

38. The Faroe Islands occupied 1,399 square kilometres split between 18 islands, many of which were connected by tunnels and the most remote of which could be reached by boat within two hours. Therefore, the problem of women living in remote or rural areas did not exist, although there were of course some women who had chosen to move to the capital or to Denmark.

Articles 15 and 16

39. **Ms. Halperin-Kaddari** said that, under the 2007 Act on Parental Responsibility, parents in Denmark had joint physical custody of their children, with children spending an equal amount of time in the residence of each parent even where one parent objected to such an arrangement. Nevertheless, as had been pointed out by a number of Danish non-governmental organizations during a meeting with the Committee, the focus on cooperation and equality between the parents had distracted attention away from the need to take proper measures in cases involving situations of domestic violence. Sweden, which had had similar child custody arrangements, had amended its law once it had established that the imposition of shared residence on uncooperative parents put children at great risk while the mothers refrained from reporting abuse. She asked whether the State party had put in place a mechanism to monitor the outcome of the Act.

40. Turning to the economic consequences of divorce or separation, she asked whether the regime of community property provided for under the 1992 Act on the Legal Effects of Marriage applied also to couples who cohabited but were not married and, if not, what safeguards were in place to protect women in de facto unions. She asked what forms of matrimonial property were covered under the Act and in particular whether due account was taken of the fact that women might not have been able to accrue the same pension rights as men.

41. **Ms. Hansen** (Denmark) said that approximately 46 per cent of marriages in Denmark ended in divorce and some 28,000 cases of child custody and access were dealt with every year. All decisions on custody and access were based on the best interests of the child and the emphasis was on the right of children to have access to their parents and not on the right of parents to have access to the child. Decisions on access always took into account the needs that were specific to the child. If a parent had been violent to another parent or to other family members then a child welfare investigation would be conducted and a decision to grant or deny access or to allow supervised access would be made.

42. Having recognized that a divorce was a situation of crisis for both parents and children which could not be solely remedied by the law, Denmark had begun two pilot projects offering counselling and conflict-resolution advice in a bid to promote collaboration in the best interests of the child.

43. **Mr. Hertz** (Denmark) said that although de facto unions were not covered under legislation governing the economic consequences of divorce, case law dating back to the 1980s provided that a partner who had taken care of the home over a long period should receive compensation from a higher earning partner upon separation. On the question of matrimonial property, a law dating back to 1925 provided that, if no other agreement had been made, all property was to be divided equally upon divorce.

44. **Ms. Arocha Domínguez** said that although some data had been provided, she could not express complete satisfaction with the answers given; she hoped to receive more information on isolated minorities that would allow the Committee to evaluate the effectiveness of any measures taken. More detailed information on Greenland and the Faroe Islands should be provided in the next periodic report.

45. **Mr. Bruun** said that some statistical information on Greenland and the Faroe Islands had been provided during the dialogue which he would appreciate receiving in writing for further consideration. He wished to know whether there was an obligation that the bill on public procurement, which was shortly to be presented to the parliament in Denmark, would be used to promote equality.

46. **Ms. Halperin-Kaddari** thanked the delegation for its replies to her questions on family law, divorce and child custody and drew attention to general recommendation No.

29 on economic consequences of marriage, family relations and their dissolution, which delineated the principles that she had attempted to express.

47. **Ms. Acosta Vargas** asked whether the State party had envisaged any campaigns to rectify the overrepresentation of women in part-time work. She wished to know whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

48. **Mr. Staur** (Denmark) said that the delegation had tried both in its report and subsequently to provide information on challenges experienced in all parts of the Kingdom of Denmark and it would seek to improve on the data provided in its following report. With respect to the bill on public procurement, the possibility to promote equality would be an option and not an obligation. There was no intention at present to ratify the Migrant Workers Convention.

49. **The Chairperson** thanked the delegation for their constructive dialogue with the Committee, which had provided further insight into the situation of women and girls in Denmark, and encouraged the State party to take all necessary measures to address the various recommendations of the Committee.

The discussion covered in the summary record ended at 5.30 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1289th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 25 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth periodic report of Kyrgyzstan

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth periodic report of Kyrgyzstan (CEDAW/C/KGZ/4, CEDAW/C/KGZ/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*

2. **Mr. Kuikeev** (Kyrgyzstan), introducing the fourth periodic report of Kyrgyzstan (CEDAW/C/KGZ/4), said it had been drafted in a thorough consultative process with input from relevant government ministries and NGOs, and taking into consideration the recommendations of United Nations bodies. The report had been disseminated among all relevant government bodies at the national and municipal levels, and to partners in international organizations and civil society.

3. Gender mainstreaming in sectoral legislation was provided for by law, and gender-sensitive amendments and additions had been made to the Criminal Code to ensure that crimes against women could be addressed effectively. A national strategy had been adopted for achieving gender equality by 2020, which set out the priorities for the development of women's role in the economy, the education of girls and women, access to justice and political equality. The strategy aimed to help all women, including women from minority groups, to realize their full potential. The National Action Plan for Gender Equality 2012–2014 had been based on specific targets and indicators and was subject to regular monitoring, through the evaluation of gender-disaggregated statistics.

4. In order to strengthen the role of women in peacekeeping and security, a national plan of action had been established for the implementation of United Nations Security Council resolution 1325. The Government attached particular importance to overcoming gender-based violence. Training for law enforcement officers and members of the judiciary included awareness-raising on gender sensitivity; gender sensitivity assessments of work in ministries had also been carried out.

5. In response to recommendations made in 2009, by the Special Rapporteur on violence against women, its causes and consequences, penalties for violence against women had been increased. Forced marriage and polygamy were recognized as criminal acts. The Criminal Code contained a specific provision on abduction of women to force them into marriage, for which the penalty had been increased to imprisonment for up to 7 years, or 10 years if the victim was a minor. Centres for the prevention of family violence had been set up, in a collaborative effort between the Government and civil society organizations, to provide support for families in need. Financial support had been secured from the United Nations Trust Fund to End Violence against Women for the implementation of measures to address family violence. The Ministry of Health was collecting data on domestic violence, since the health service was one of the first ports of call for victims. A clinical protocol on providing medical assistance to victims of sexual violence had been adopted, and training was provided for medical staff.

6. During the reporting period progress had been made in increasing women's participation in public life, and in particular in senior positions in the executive and the judiciary. Quotas for the number of women on electoral lists had also been introduced. Unfortunately, severely limited financial resources had hampered the Government's efforts, and many planned gender equality-related activities had not been carried out. Efforts were being made to garner voluntary funding for those activities, to permit the full implementation of the gender equality policy.

7. During drafting of the report, it had proved difficult to access women in rural areas to assess their situation, and statistical data on rural women was lacking. The national statistics committee therefore intended to prepare a rural census, with gender-disaggregated indicators on access to land and resources, age and education, and the occupation of each member of every household. That census would be carried out in 2016. A range of measures had been taken in 2013–2014 to improve rural women's access to economic rights, good quality health services, education and resources.

8. Disparities between the number of boys and girls in education persisted. Statistics showed that fewer girls than boys attended school from first to ninth grade, yet there were more girls than boys in school in grades 10 and 11, as a large number of boys transferred to vocational training in order to learn a trade.

Articles 1 to 6

9. **Ms. Ameline** said that, despite the State party's political will in the matter, the Convention was not being implemented fully. She asked what measures were being taken to enhance the visibility of the Convention, in particular to ensure that sufficient attention was given to the Committee's concluding observations. She wished to know how institutional mechanisms such as the national human rights institution and the office of the Ombudsman would be strengthened, and whether steps would be taken to ensure that they were in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). She noted with concern that ethnic, religious and sexual minorities were not equal before the law and she wished to know how that would be rectified. The lack of adequate resources for the implementation of measures to ensure equality was particularly worrying. She asked what measures were being taken to overcome constraints on the implementation of legislation on violence. She asked what role traditional courts had in the legal system and how a hierarchy was maintained between customary and statutory law. While acknowledging that it would take time to remove all discriminatory provisions from the State party's legislation, she would be particularly interested to know whether parliament was ready to amend the Criminal Code, which did not yet contain specific provisions on domestic violence, rape or trafficking in persons.

10. **Ms. Haidar** said that strong national institutional mechanisms had a critical role to play in achieving substantive equality. She was concerned at the fact that the responsibility for gender policy had been shunted around departments, which was not conducive to consistent application. She asked whether the State party would consider establishing a specific ministry for gender affairs. She noted with concern that the Strategy for Sustainable Development did not refer to gender equality. The lack of resources for gathering and publishing gender-disaggregated data, and for conducting gender impact assessments of new legislation, was also worrying. In order for the strategy on gender equality to be properly implemented, adequate financial resources were crucial. She asked what measures would be taken in that regard.

11. **Ms. Beisheeva** (Kyrgyzstan) said that in December 2013 a national coordination council for human rights had been established and constituted one of the most important mechanisms for monitoring the practical measures taken by the Government to meet its obligations under international law. Discrimination was defined in the Act on State Guarantees of Equal Rights and Opportunities for Men and Women. Parliamentarians played an active role in ensuring the gender mainstreaming of legislation. A judicial reform was under way, and it was hoped that sufficient resources and capacity would be available to ensure the full implementation of measures to tackle family violence. A meeting with representatives of the Supreme Court would be held in the coming week to discuss the situation.

12. **Ms. Osmonova** (Kyrgyzstan) said that, in the context of the reform of the judicial system and law enforcement, several pieces of legislation, including the Criminal Code, the Code of Criminal Procedure and the Administrative Liability Code, were under review. Much of the legislation in force in Kyrgyzstan had been drafted in the 1990s and required substantial amendment. As well as judicial reform to update legislation, parallel work was being done to improve the functioning of law enforcement and tackle corruption.

13. **Mr. Kuikeev** (Kyrgyzstan) agreed that responsibility for gender equality should not be moved around from ministry to ministry. Decisions would be taken in the near future.

14. **Ms. Beisheeva** (Kyrgyzstan) said that the Government acknowledged that good national strategies on paper were not sufficient: effective implementation was essential. Unfortunately implementation of some aspects of the National Action Plan for Gender Equality 2012–2014, such as the establishment of a computerized monitoring system, had been hampered by a lack of financial resources. It was hoped that the lessons learned from that experience would help ensure the full implementation of the new action plan. Steps were being taken to make legal experts available to advise ministries on gender mainstreaming. A coordinating council for human rights had been established, comprising leaders from national and local government, representatives of NGOs, international partners and trade unions, all of whom had valuable contributions to make in overcoming the difficulties faced in achieving gender equality.

15. **Ms. Ameline** said that to invest in equality was to invest in social, economic and democratic development. Training for judges was essential, since equality could not be achieved without de facto equal access to justice. She asked whether the compensation programme for victims of the inter-ethnic conflict in Kyrgyzstan was being implemented.

16. **Ms. Haidar** said that the National Council on Gender Development did not satisfy the requirement for a central coordinating body as it had a purely advisory role and a subordinate position within a larger ministry. The Council needed to be endowed with greater authority, autonomy, capacity and visibility if it was to fulfil its role as policy-implementation and oversight body effectively.

17. **Ms. Halperin-Kaddari** asked whether the draft law which reportedly established criminal and administrative penalties for persons who voiced positive attitudes towards non- traditional sexual relationships had been passed on its second reading in parliament. In passing legislation which would prohibit public mention of homosexuality and could prevent human rights defenders from addressing violations of LGBT rights, the Government would be moving in entirely the wrong direction.

18. **Ms. Leinarte** asked whether parliament had before it, as had been reported, a draft law which labelled international NGOs as foreign agents, in line with a similar law passed in the Russian Federation.

19. **The Chairperson**, speaking as an expert, asked whether the State party planned to ratify the amendment to article 20, paragraph 1, of the Convention.

20. **Ms. Osmonova** (Kyrgyzstan) said that customary law had in the past been used in elders' (*aksakal*) courts in rural areas but that practices had changed since the adoption of the 2001 law regulating those courts. Following the legislative changes, police officers were permitted to refer to *aksakal* courts only cases related to property or other everyday community disputes that did not carry administrative or criminal penalties. National and international NGOs provided training on international legislation on women's rights, inter alia, to judges and other members of the judiciary, and also to Ministry of the Interior officials.

21. The legislative framework of Kyrgyzstan established equal rights for all and the authorities endeavoured to ensure that all provisions safeguarding the rights of ethnic and

other minorities and providing protection against discrimination were effectively enforced. To support the LGBT community, the Government had run sensitization campaigns and campaigns to prevent the spread of HIV/AIDS, which had been developed with input from LGBT representatives. A new department had been established to protect the rights of sexual minorities, sex workers and persons of different sexual orientations.

22. **Ms. Beisheeva** (Kyrgyzstan) said that she supported Ms. Haidar's observations about the role of the National Council on Gender Development and the need for an independent coordinating body, and would apprise parliament of her recommendation.

23. **Mr. Kuikeev** (Kyrgyzstan) said that there was indeed a draft law on foreign agents in the pipeline but it had not been passed. Civil society opposition had been considerable and the views of NGOs would be taken into account in any further development.

24. **Ms. Beisheeva** (Kyrgyzstan) said the NGO sector made valuable contributions to social development. The authorities were working to build transparency in both the government and non-governmental sector in the hope that misunderstandings could be resolved and obstacles to closer cooperation overcome.

25. **Ms. Zou** Xiaoqiao said that women remained underrepresented in decision-making bodies in spite of legal provisions providing for the use of quotas and requiring the State to correct the gender imbalance in public sector institutions. The huge gap between law and practice was a sign of ineffectual or insufficient monitoring. She would like to know what mechanism was responsible for implementing the temporary special measures mentioned; what measures were envisaged to increase the mechanism's efficacy; and whether the State party planned any campaigns to raise awareness of the meaning and scope of temporary special measures among members of parliament, policymakers and other relevant actors. Noting that most of the measures described in the periodic report as temporary special measures were simply general measures to improve women's status and that temporary special measures did not appear to have been used in education, training or the labour market, she urged the State party to consider introducing temporary special measures in those areas and to fully utilize the measures already established in order to ensure women's full participation in political and public life, reduce gender segregation in education and close the gender gap in employment.

26. **Ms. Nadaraia** asked what the State party had done to address harmful gender stereotypes and promote a positive image of women in the media, as it had been urged to do in the Committee's concluding observations to the previous periodic report (CEDAW/C/KGZ/CO/3). Alternative reports indicated that stereotypes remained deeply entrenched and continued to impede women's development, especially in rural areas. On a more positive note, the introduction of paternity leave was commendable and she would like information about take-up of the new provision.

27. **Ms. Gabr** asked whether the authorities had attempted to engage religious leaders and law enforcement officers in its efforts to combat gender stereotyping; she invited the delegation to explain the content and purpose of article 37 of the Constitution, which dealt with traditions and customs. Noting that the high-profile campaign against domestic violence launched in 2010 appeared to have yielded only limited results, she asked what was being done to address the silence still surrounding domestic violence and the judiciary's reported reluctance to take action in such cases. Information about efforts to eliminate bride abduction — which, she emphasized, was a crime and not a tradition — was also needed. In particular, she wished to know how many girls committed suicide as a result of such practices and whether the proposed amendments to the criminal provisions dealing with kidnapping had been approved.

28. Turning to the issue of trafficking in human beings, she asked whether the Government planned to establish a central body to coordinate the efforts of State entities

and NGOs; what budget was allocated to those efforts; whether there had been any assessment of the level of implementation of anti-trafficking legislation and the related action plan; what assistance and protection was provided to street children and to Kyrgyz migrant workers in the Russian Federation and other countries; and whether allegations of complicity between the authorities and people smugglers were being duly investigated.

29. **Ms. Leinarte** said that, according to alternative sources, prostitutes in Kyrgyzstan experienced widespread violence and discrimination, even at the hands of law enforcement officers. She asked how the State party monitored the situation of those women, who were often forced into prostitution due to a lack of other employment opportunities. She also enquired about the protection and support available to them, noting that access to shelters and medical support, including assistance in the prevention and treatment of HIV/AIDS and other sexually transmitted diseases, was a minimum prerequisite. Lastly, she asked the delegation to clarify the content of paragraph 68 of the periodic report, which appeared to contradict the State party's assertion that its laws contained no provisions that discriminated against workers in the sex industry.

30. **Ms. Beisheeva** (Kyrgyzstan) said that the quota system introduced to promote gender equality in Kyrgyzstan had brought more women into central State bodies including the Supreme Court, the Central Commission for Elections and Referendums and the Auditing Chamber. Three Parliamentary committees were chaired by women but women were still underrepresented in the Cabinet. The quota system had also brought more women into local politics, although the number who stood for election remained far too low.

31. A major national forum to consider women's achievements, the reasons for the regressions in some areas and the goals for future policy would be held in March 2015. In addition to women's participation in political life, issues under the spotlight would include access to stable employment – statistics showed that women tended to work mainly in the informal sector. The Government would also be looking at ways to correct gender imbalances in education, where women accounted for the majority of teachers but the administration was dominated by men.

32. At a recent round-table event for journalists and other media representatives, participants had made a commitment to eliminating gender stereotypes. The authorities would also continue to work with religious leaders and to run awareness-raising campaigns designed to make it clear that Kyrgyzstan was a secular State. Article 37 of the Constitution established State support for traditional practices, but that support was subject to the proviso that the tradition or custom did not violate human rights. Bride abduction, for example, was now regarded as a crime.

33. **Ms. Osmonova** (Kyrgyzstan) said that recent amendments to legislation on domestic violence had introduced the possibility of administrative detention for up to 5 days as a preventive measure. The new measure had been generally positively received as cases of domestic violence were usually classified as administrative offences carrying a fine only, and the fines frequently had no impact on the abuser's behaviour. Domestic violence did, however, constitute a criminal offence when acts of a sexual nature were involved and injury was inflicted. Behaviour that led the victim to attempt or commit suicide was also expressly criminalized.

34. Over 8,000 cases of domestic violence had been reported over the past three years. Over 6,000 restraining orders had been issued in the same period – an increase on previous years not necessarily indicative of increased incidence but certainly indicative of heightened awareness and resolve, and improvements in investigation among law enforcement officials, as well as greater confidence among women. A bill to enhance social protection and the defence of the family would, once passed, further clarify and extend the

roles and responsibilities of all institutions involved in combating domestic violence, including the judiciary.

35. To combat trafficking in human beings, the Government had formulated a national action plan and established an inter-agency working group. The minimum penalty for human trafficking established in the Criminal Code had been raised from 5 to 8 years. Nineteen cases of trafficking had been identified in 2014. Around half had involved trafficking for purposes of sexual or labour exploitation. In the future, preventive efforts would focus on raising awareness of the risk among minors and monitoring the legislative framework supporting preventive, investigative and protective activities.

36. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that the medical centres to which victims of domestic violence usually turned in the first instance reported an increasing number of cases every year. In 2013 alone health-care services had registered more than 1,700 cases. All data collected was shared with the law enforcement agencies. A clinical protocol for dealing with victims of sexual violence had been introduced in 2014 and medical professionals around the country were currently receiving training in its application.

37. **Ms. Osmonova** (Kyrgyzstan) said that alleged violations of the rights of sex workers committed by law enforcement officers were promptly investigated and subject to stringent penalties, which might include dismissal, if proven. Prostitution was not a criminal or administrative offence but the illegal operation of brothels carried criminal liability.

38. **Ms. Beisheeva** (Kyrgyzstan) said that the vulnerability to violence and drug dependence that was apparent among sex workers and other disadvantaged population groups was expressly addressed in the new action plan for gender equality currently being drafted. The draft envisaged measures to improve access to justice and employment, inter alia.

39. **Ms. Arocha Dominguez** expressed concern at the practice of making special payments to so-called "heroine mothers" for having had more than 10 children.

40. **Ms. Leinarte** asked whether there were plans to set up a mechanism to monitor violence against women members of the lesbian, bisexual and transgender (LBT) community. She also asked whether there was any public debate in the State party on the question of making domestic violence a public issue that should be dealt with by the police.

41. **Ms. Osmonova** (Kyrgyzstan) said that there was an error in paragraph 68 of the periodic report; penalties had been toughened in order to protect sex workers, including minors.

42. Following an amendment to the Criminal Code, the penalty for the abduction of a minor for the purposes of marriage had been increased significantly. Reporting of cases of bride abduction had increased over the past few years owing to a hardening of public attitudes towards that practice. No records were kept of the number of suicides resulting from cases of bride abduction. As to domestic violence, cases involving bodily harm, rape, murder or any other serious offence were registered by the Ministry of the Interior, which then initiated criminal proceedings.

43. **Ms. Beisheeva** (Kyrgyzstan) said that, in the past, domestic violence had been viewed as a private matter. However, work was currently ongoing to prepare a bill on protection from domestic violence, which provided clarification of the terms and concepts involved and covered the issues of economic violence and threats of domestic violence. The bill determined the obligations of the various competent State bodies working to prevent domestic violence, identified those persons who had the right to appeal to the Ministry of the Interior and established that the courts could issue restraining orders against perpetrators of domestic violence. Amendments to legislation on social care and centres for

victims of domestic violence were being prepared. Information on the prevention of domestic violence and on the relevant legislation had been posted on the website of the Ministry of the Interior. Leaflets intended to raise awareness of domestic violence had been distributed across the country.

44. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that a study carried out in 2012 had highlighted the fact that domestic violence was widespread in the State party. The Government and relevant NGOs had discussed the study and programmes were being devised to tackle the issue.

45. As to the stereotyping of women as mothers, women were encouraged to take care of their children properly, rather than have large families. A number of measures had been taken to ensure that mothers and children received free health care and pregnant women received certain benefits In 2014, a decree had been adopted facilitating registration with local physicians for women and children up to the age of 5.

46. **Mr. Kuikeev** (Kyrgyzstan) said that "heroine mothers", of whom there were very few, were not paid incentives to have more children but rather received child benefit payments. In addition, a large number of low-income families received benefit payments, which the Government intended to increase.

Articles 7 to 9

47. **The Chairperson**, speaking as an expert, asked how the State party analysed the causes of the decline in women's participation in politics, what the obstacles to participation were and why the Government's policy on gender equality and the equal participation of women in politics had not been successful. She asked what, in the State party's view, constituted a legally established mechanism for the advancement of gender equality in politics; what the rules on the representation of women in senior bodies in political parties were; and how the State party intended to improve the current quota system and strengthen its temporary special measures in that regard. According to alternative sources, political parties often nominated women candidates on the basis of their financial resources or family background. Moreover, the Committee had also received information on escalating violence against NGOs. She asked for the delegation's views on those issues. The number of women working in the diplomatic service was low; she asked for updated information on that issue and on any steps taken by the State party to promote women's participation in that field.

48. **Ms. Beisheeva** (Kyrgyzstan) said that the Government had discussed the issue of gender parity within the governing bodies of the political parties. Proposals on gender equality mechanisms, quotas and parity within the electoral process had been made and a working group was considering a number of measures that might be implemented in the future. As to women diplomats, the Government had been unable to fill the relevant quota but had made a number of recommendations to the Ministry of Foreign Affairs.

49. She said that women faced the problem of balancing work and family life and often had to put their professional lives to one side in order to care for their children. Women could not fully enjoy their political rights unless they were financially independent. The Government had designed measures to promote the economic rights of women. It was working with an NGO to teach rural women about participation in the political process. Training was also provided to women leaders, a media-based awareness-raising campaign on women's participation in politics had been launched and public debates on the issue had been held.

Articles 10 to 14

50. **Ms. Zou** Xiaoqiao welcomed the progress made by the State party in tackling the gender gap in education, and the adoption of the Strategy for Educational Development in the Kyrgyz Republic for 2012–2020. However, according to information received, children from ethnic minorities were at risk of exclusion from education and children in rural areas, particularly girls, had difficulty accessing education. She asked what was being done to address those issues.

51. She asked whether the Strategy for Educational Development established specific objectives relating to access to education for girls living in rural areas and girls from ethnic minorities, and requested clarification of the statement in the State party's report to the effect that 827 girls had not attended school in the 2011/12 academic year. Had the girls never attended school or had they simply dropped out of education? There was a need to strengthen efforts in terms of the collection of data disaggregated by sex, ethnic origin and geographic location.

52. She asked whether any measures had been introduced to address gender segregation in vocational and higher education and in the labour market. Furthermore, she asked whether there were any programmes that provided girls and women with counselling on non-traditional career paths. She requested information on sexual and reproductive health education for girls and asked whether all school curricula contained a component on healthy lifestyles.

53. **Mr. Bruun** asked how the State party intended to improve the situation of women in the informal sector, particularly in terms of rights to maternity leave and benefits. He suggested updating the legislation on domestic labour to bring it into line with the Convention. He asked whether the State party intended to ratify International Labour Organization (ILO) Convention No. 189 concerning decent work for domestic workers. Existing legislation on gender equality should be revised to cover the right to equal pay for work of equal value and indirect discrimination. He asked whether sexual harassment in the workplace was clearly prohibited in the State party and how cases were dealt with. He expressed concern at the impact of legislation restricting women's rights in terms of night work and overtime; such laws should also apply to men.

54. **Ms. Arocha Domínguez** asked how, given the lack of resources and trained personnel in the health sector, the State party intended to improve reproductive health services and further reduce maternal mortality rates in rural areas. The rate of infant mortality was very high in the State party and she asked whether any studies had been carried out on the probable link between infant mortality, early marriage and early pregnancy.

55. She asked how the State party intended to provide services to tackle sexually transmitted infections and speed up the distribution of contraceptives, particularly among vulnerable groups such as sex workers. She asked whether there were any emerging programmes for the early detection of breast and cervical cancer.

56. **Ms. Beisheeva** (Kyrgyzstan) said there were programmes in place to encourage young men and women to take up non-traditional employment and quotas for young persons had been set in the teaching sector. The Ministry of Education had taken steps to introduce a gender equality component into school curricula. Data would be collected on girls not enrolled in school and the reasons why.

57. Discrimination in employment was prohibited under the Labour Code. Work was under way to improve opportunities for women and there were laws in place which made provision for parental leave. Women had access to unemployment benefit, training and

retraining. A study on the legalization of the informal sector had been carried out and that issue would be discussed in ILO.

58. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that classes on the importance of a healthy lifestyle had been provided to schoolchildren in a number of districts and a programme on issues such as early pregnancy and drug addiction had been launched in schools.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1290

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1290th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 25 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth periodic report of Kyrgyzstan (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth periodic report of Kyrgyzstan (continued) (CEDAW/C/KGZ/4; CEDAW/C/KGZ/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kyrgyzstan took places at the Committee table.*

2. **Mr. Erkin** (Kyrgyzstan) said that his delegation had no comment on the proposed amendments to article 20 of the Convention, which were currently under consideration.

Articles 10 to 14 (continued)

3. **Ms. Osmonova** (Kyrgyzstan) said that there was no provision concerning sexual harassment in the workplace under either the Criminal Code or the Administrative Code. It was a matter of concern to the Ministry of Internal Affairs and the draft law on gender equality contained an item on the establishment of a working group that would assess the existing legislation, including the possibility of adopting a provision on sexual harassment. Article 131 of the Criminal Code did, however, contain a provision on coercion to engage in acts of a sexual nature, which was punishable by up to 2 years' imprisonment.

4. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that Kyrgyzstan had a national strategy and legislation covering sexual and reproductive health, but insufficient funding was available. A programme to provide women and children with care before and after the birth was, however, available. She noted that Kyrgyzstan was one of the first countries to adopt the childbirth criteria of the World Health Organization (WHO), not because it hoped to resolve the problem of premature babies but in order to obtain accurate statistics; and that objective had been achieved. Whereas, in the 1990s and 2000s, Kyrgyz statistics on maternal and infant health had differed significantly from international statistics, they were currently almost identical. Since 2000, maternal mortality had decreased by at least a factor of 1.5, or even halved; and the numbers were still dropping. In 2010, there had been 55 deaths per 100,000 births, but that figure had fallen to 46 per 100,000.

5. Many problems relating to infant and maternal health were not medical in nature but indicators of a country's economy and the situation of women within that economy. A number of investigations had been carried out, on the basis of which an integrated plan had been drawn up and submitted to the United Nations and the Ministry of Finance with a view to dealing with a number of weaknesses that had been identified relating to reproductive choice, antenatal care, perinatal care and emergency obstetrical care. It had been impossible to allocate funds exclusively to the integrated plan, but a number of elements of the plan had been covered by another programme and the Ministry of Health had joined forces with the Ministries of Education and Social Development, along with international organizations, to work in schools, teaching adolescent girls about reproductive health and children generally about leading a healthy way of life. Family medical centres had opened offices, with assistance from non-governmental organizations (NGOs), in 12 locations across the country to provide young people with information and support on sexual and reproductive health. A bill had been introduced on the initiative of individual members of parliament, on sexual and reproductive health, which had gone through its first reading, following extensive discussion.

6. With regard to antenatal and birth facilities, the country's infrastructure was, as the Committee had noted, inadequate, owing to a lack of funds. It was, however, planned to build perinatal centres in provincial and regional centres over the next two to three years, with support from international organizations, and tenders to that end had been put out.

Other action facilitated by international organizations was the training of medical staff: owing to the low salaries in Kyrgyzstan, trained staff tended to go to the Russian Federation or Kazakhstan. Another problem was the imbalance between the number of doctors in towns, which was adequate, and in rural areas, which was not.

7. An independent survey had shown that 25 per cent of cases of maternal mortality in 2012–2015 had causes that were not medical. Many of the women concerned had been migrants who had been in poor physical condition in any case, victims of domestic violence or on drugs, for whom pregnancy had been counterindicated. The results of the survey could be found on the website of the Ministry of Health.

8. Child and infant mortality was a different issue. Kyrgyzstan had not achieved Millennium Development Goal 4, but it was among the 15 countries on the way to achieving it. Even without adequate funds, the situation could be ameliorated by taking action on common childhood diseases or breastfeeding. The Government had adopted an intersectoral strategy entitled "Health 2020", putting in place, in partnership with the relevant ministries and local government, preventive measures to improve mother and child health at the level of the family, the community and society at large. The national strategy on sexual and reproductive health had been established in 2008 and, out of seven priority areas, the most important at that time had been safe motherhood and reproductive choice. Some success had been achieved in that regard. The Government was currently focusing on tackling cancer. With support from international organizations, NGOs and other sponsors, oncological centres had been set up and three mammographs had been installed. Screening had also started for cervical and uterine cancer.

9. **Ms. Arocha Domínguez** said that she would like to hear further details of the draft law on sexual and reproductive health. She wondered whether the bill also dealt with HIV/AIDS monitoring, sexuality and lesbian, gay, bisexual, transgender and intersex (LGBTI) rights. As elected representatives, members of parliament might be swayed more easily by local culture and customs, and the stigmas associated with sexual issues.

10. **Mr. Bruun** asked whether parental leave was available for women in the informal as well as the formal sector. Secondly, he asked whether the Government was considering the ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

11. **Ms. Nadaraia** said that, according to her understanding, the health units in many villages had been closed. Facilities for giving birth had consequently suffered. She asked whether any research had been done into the problems arising from the closure of such units.

12. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that the draft law dealt not only with birth matters but also with sexual and reproductive health, surrogate motherhood, family planning and, indeed, all aspects of a woman's life from girlhood to motherhood. There had been a stormy debate on the bill, but it had passed and would have its second reading in March 2015. HIV/AIDS was dealt with in a separate law, so it would not be covered by the new bill.

13. With regard to the closure of maternity units, the health reforms and lack of funds had meant that choices had had to be made. Some units remaining from the Soviet time had had to close because the mobile doctors on whom they relied were no longer available. In the remoter areas, there would be only one medical worker, with no heating or hot or cold water to deal with 50 to 60 births per year and maternal mortality had been higher as a result. There had been wide consultation over six months about which units should close and which should remain open. The information heard by Ms. Nadaraia doubtless came from one of the groups campaigning to keep various units open. The Government was aware of the problem, however, and had set up an ambulance service.

14. **Mr. Kuikeev** (Kyrgyzstan) said that the Government had not yet considered whether to ratify the ILO Domestic Workers Convention. The delegation would convey the Committee's views to the relevant ministry.

15. **Ms. Beisheeva** (Kyrgyzstan) said that any member of a family, not just the husband, could get leave at the time of a birth. Those working in the informal sector, however, were not able to obtain parental leave.

16. **Ms. Osmonova** (Kyrgyzstan) said that she could provide the Committee with new data on article 131 of the Criminal Code. In 2013–2014, there had been four cases of sexual harassment and in every case criminal proceedings had been instituted.

17. **Ms. Arocha Domínguez** said that she understood from the delegation's opening statement that, as of the beginning of 2014, more than 69,000 people, of whom 65 per cent were women, were in receipt of pensions and she asked how far such pensions met their needs, given that, according to the periodic report, more than 9,000 people lived alone and were in financial difficulties. The report did not say how many of those were women. She asked what help was available if a pension was insufficient or if the woman concerned was treated badly by her family. In that connection, she asked what strategy the Government had for suicide prevention.

18. She asked whether women had access to property, land or loans, in reality rather than by law. She also noted that, according to the report, there were no restrictions on women's access to leisure activities, but the reality was that they were the ones who looked after children, disabled persons and elderly persons. The Government should do more to change attitudes in order to enable women to benefit from cultural or leisure activities.

19. **Ms. Gabr** said that more should be done to address the difficulties of rural women, who made up 67 per cent of the nation's women. She was concerned at the incidence of malnutrition and the lack of basic services, such as sanitation and water. She, too, was concerned about women's real access to land. She asked what plans there were to improve their lot. Elderly women were often paid smaller wages and sometimes they were dispossessed. She also said that she was concerned about the situation of migrant women. She wondered whether they received adequate support from the country's consular service. If they were illegal migrants abroad, they risked suffering great exploitation. Lastly, she asked whether it was true that women from minority groups had limited employment opportunities and a lack of facilities.

20. **Ms. Beisheeva** (Kyrgyzstan) said that the State recognized the difficulties faced by rural women, which had been exacerbated by the economic crisis; a number of programmes had been introduced in 2013 in order to ameliorate their economic prospects and to enable them to access resources. Kyrgyzstan was reliant on the rural economy and giving access to land would provide rural women with development opportunities. A first national conference on rural women organized by the Government had produced a resolution which called on the parliament to improve conditions for them.

21. Rural women were given particular attention under the new National Action Plan for Gender Equality for 2015–2017, which highlighted issues such as their economic and political rights and access to justice. Women entrepreneurs contributed to the economy of the country and ways and means were being found to support their work, including through implementation of the Beijing Declaration and Platform for Action. The position of rural women had been strengthened and they were able to contribute to the economic life of their villages through the committees responsible for pasture management and use.

22. **Mr. Erkin** (Kyrgyzstan) said that the protection of all citizens of Kyrgyzstan, including migrant workers living abroad, was a top priority of his Government. Women were a particularly vulnerable category of migrant worker, since they were more likely to

fall victim to human trafficking and sexual slavery. The Government was endeavouring to increase the number of consular services to protect its citizens, particularly throughout the Russian Federation, and those services were working in close cooperation with the relevant international organizations. Legal assistance was provided to citizens in foreign countries in cases of divorce where custody of children was more likely to be granted to a non-Kyrgyz partner by a foreign court.

23. **Ms. Beisheeva** (Kyrgyzstan) said that statistics provided by the Ministry of Labour, Employment and Migration showed that 16,500 rural women out of a total population of 33,900 had been in employment in 2012, while in 2014, 17,300 rural women out of a total population of 34,300 had been in employment. A Government programme that provided construction jobs to the unemployed had employed 6,753 persons in 2014, of whom 1,565 were women. Some 1,500 women had received vocational training and 246 women had received microcredits.

24. **Mr. Kuikeev** (Kyrgyzstan), turning to the question of ethnic minorities, said that there were not enough places for children in preschools. Children were accepted into preschool on the basis of the number of places available regardless of their ethnic background.

25. Elderly persons in Kyrgyzstan were protected by laws, social assistance was provided to them in their homes and minimum standards were set concerning the food and care provided to those living in State institutions. Local day-care centres had been set up for the elderly. Social payments were made to elderly persons who did not receive a pension. As at 1 December 2014, there were more than 900 social workers providing services to elderly persons, including persons with disabilities. The social strategy for the period 2015–2017 included social insurance for those working in the informal sector and improvements in the quality of life and employment prospects of older people.

26. **Ms. Gabr** said that she was very concerned to learn that elderly women had been deprived of their property and she wished to know whether remedies had been found for that problem.

27. **Ms. Arocha Domínguez** said that she was concerned to learn that girls from migrant and ethnic minority families might be denied access to an education if they did not possess an identity card; girls should be allowed to attend school even if they did not have a formal status in the country.

28. **Ms. Beisheeva** (Kyrgyzstan) said that the problem concerning access to education for children who did not have an identity card was not confined to ethnic minorities. The authorities were currently engaged in collecting biometric data and streamlining the process of issuing identity documents to all citizens of Kyrgyzstan.

29. **Ms. Osmonova** (Kyrgyzstan) said that some elderly and vulnerable persons had been targeted by criminals who had cheated them of their property, particularly in the wake of the collapse of the Soviet Union. However, law enforcement authorities now responded promptly in such cases, especially where the victims were frail or elderly, and ensured that their property was returned to them.

30. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that the registry of newborn infants which had been introduced in Kyrgyzstan over some five years was being integrated into the population registry, which would obviate the need to present identity cards. Mothers and fathers who were not in possession of identify cards were issued ones when a child was born and health services were provided on the basis of available records.

Articles 15 and 16

31. **Ms. Halperin-Kaddari**, referring to the status of transgender persons, said that she understood that there was no official procedure allowing for changing gender on official documents in Kyrgyzstan although a law allowed for such change provided a certificate of change of sex issued by a medical institution was presented. However, the procedure was not possible since such certificates had not been approved by the Government and therefore transgender persons were often placed in very vulnerable situations. Intolerance and violence towards sexual minorities appeared to be growing.

32. Turning to the very disturbing question of bride kidnapping, she understood that legislative changes had taken place but wished to learn whether the Government intended to adopt a comprehensive plan of action in order to combat the phenomenon. Bride kidnapping occurred for economic reasons but also for reasons of gender stereotyping, which called for an educational programme not just for the judiciary but for society as a whole. She wished to know why the law that provided that official marriages must be carried out before religious marriages had not been applied in the cases of girls who had been kidnapped. She asked whether other ways could be found to protect women who found themselves in informal and unrecognized marriages, in particular with regard to economic issues. The Family Code ensured the rights of women on an equal basis with men but it appeared that women in unregistered marriages could not benefit from that law.

33. She wished to know whether women in registered marriages were aware of their rights, including the equal division of property where it was in the best interests of the children. Was legal aid available for women in family matters and did the State party have any research concerning the economic situation of women with children following divorce?

34. **Ms. Eshkhodzhaeva** (Kyrgyzstan) said that a procedure had been established by the Government, in partnership with international organizations, which would allow transgender persons to obtain identity documents following presentation of a medical certificate. There had been some resistance on the part of local authorities to the idea of change in gender and a wider process of consultation would be completed before the procedure was fully implemented.

35. **Ms. Beisheeva** (Kyrgyzstan) said that bride kidnapping had been frequent in the past, but the introduction of stricter penalties had fostered a change in attitudes; women also felt more secure in coming forward to seek justice.

36. Concerning religious marriages, a working group had been formed to draft a bill on religious freedom, which would include a requirement for all religious marriages to be registered. Awareness-raising campaigns would be launched through the media, in partnership with non-governmental organizations, in order to inform women of their rights in relation to family law.

37. **Ms. Halperin-Kaddari** asked whether women were able to obtain free legal aid in family matters.

38. **Ms. Leinarte** said that detailed statistics concerning the number of kidnapped brides were needed. She asked whether the 60 per cent of marriages in rural areas that were unregistered could be considered to originate from bride kidnapping.

39. **Ms. Halperin-Kaddari** said that she understood that a law was pending but wondered whether there was any possibility in the meantime to safeguard the economic rights of women in unregistered marriages. The problem was recognized in general recommendation No. 29 in which the Committee called on States parties to abolish unregistered marriages but also to protect women in such marriages.

40. **Ms. Beisheeva** (Kyrgyzstan) said that a centre providing free legal advice was available for women and other vulnerable groups in the capital and in other major towns and cities throughout Kyrgyzstan. The figure of 60 per cent of unregistered rural marriages was out of date; bride kidnapping had been considered a traditional custom but it was now recognized as a crime that was dealt with through the justice system. Although the practice continued, it was in decline. Religious marriages, which restricted the human and economic rights of women, was among the themes that would be addressed in conjunction with violence against women in the National Action Plan for Gender Equality for 2015–2017.

41. **The Chairperson** thanked the delegation for their constructive dialogue with the Committee, which had provided further insight into the situation of women and girls in Kyrgyzstan, and encouraged the State party to take all necessary measures to address the various recommendations of the Committee.

The discussion covered in the summary record ended at 4.25 p.m.

United Nations CEDAW/C/SR.1291

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1291st meeting
Held at the Palais des Nations, Geneva, on Thursday, 26 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth and fifth periodic reports of Eritrea

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth and fifth periodic reports of Eritrea (CEDAW/C/ERI/4; CEDAW/C/ERI/5; CEDAW/C/ERI/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Eritrea took places at the Committee table.*

2. **Ms. Tesfamichael** (Eritrea), introducing the fourth and fifth periodic reports of Eritrea (CEDAW/C/ERI/4 and CEDAW/C/ERI/5), said that representatives of all key ministries, local government authorities, the private sector, academic institutions and civil society had contributed to the report preparation process. The process had been overseen by the National Union of Eritrean Women, which had been designated as the national machinery for the advancement of women in 1995 and had held its seventh National Congress, attended by over 400 delegates, in 2014. The National Union was supported by a network of over 300,000 women drawn from across the nation and the diaspora.

3. National laws and regulations had been revised to eliminate all provisions that violated women's rights and limited their role or participation. Particular legislative advances in the reporting period had included the adoption of Proclamation No. 158/2007, which prohibited female genital mutilation, and accession to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing that Convention, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. A gender action plan had been formulated by the National Union with a view to mainstreaming gender across all government bodies. To support the plan and monitor its implementation, gender focal points had been appointed in all key ministries, including the Ministry of Health, the Ministry of Education and the Ministry of Land, Water and Environment. In the area of health, Eritrea was one of the few countries to have attained the Millennium Development Goals before the target date, having made huge progress in reducing maternal and child mortality and combating HIV/AIDS, malaria and other diseases. The country had also attained universal primary education – an advance that would greatly contribute to women's empowerment. In 2012, 73 per cent of primary school-age girls had been enrolled in education. The enrolment gap between girls and boys had narrowed to 2.9 per cent at the primary level and 4.6 per cent at the secondary level.

5. The Government applied a bottom-up approach to decision-making that ensured mass participation by women at the community level. Women now accounted for 34 per cent of village leaders and 22.5 per cent of community court judges. Leadership training programmes and awareness-raising campaigns to mobilize support for female electoral candidates would help to bring further improvements.

6. Rape and sexual harassment were viewed as immoral acts and carried severe penalties. The 2007 Proclamation outlawing female genital mutilation had reduced the prevalence of that practice to 12 per cent among girls aged under 15. Awareness-raising initiatives to eradicate the practice and other harmful traditions, including underage marriage, were ongoing.

7. Affirmative action measures included the use of quotas to bring more women into the National Assembly, the judiciary and sports federations; incentives to encourage parents in remote areas to send their daughters to school; the easing of college entrance requirements for girls; and the development of technical and vocational training courses to

bring women into non-traditional areas of employment. Young women were attending college in increasing numbers, accounting for 25.9 per cent of medical students and 22 per cent of business and economics students in 2012.

8. Eritrea faced numerous challenges in promoting gender equality, including a relatively low level of socioeconomic development, the persistence of traditional norms and stereotypical attitudes and the continued occupation of its border region. However, the Government firmly believed that modernization and increased institutional capacity would ultimately bring gender equality. The National Union of Eritrean Women would continue its unremitting efforts to fulfil the country's obligations under the Convention and guarantee the highest degree of protection for the rights and interests of women.

Articles 1 to 6

9. **Ms. Patten** asked why compulsory national service was for an indefinite period; what steps had been taken to address the sexual harassment and violence which women in national service allegedly suffered at the hands of commanding officers and peers; and how many cases of rape and sexual abuse had been investigated and prosecuted. She also wished to know what support was provided to ex-combatant women; what role women played in peacemaking; whether the State party had adopted a national action plan for compliance with United Nations Security Council resolution 1325 and subsequent resolutions dealing with women, peace and security; whether it planned to ratify the Rome Statute of the International Criminal Court; and what the Government's position was on the Arms Trade Treaty, given the proliferation of small arms in Eritrea.

10. Expressing concern about the status of the Constitution and the suspension of parliament, she asked how the State party was ensuring the rule of law in the interim period; what dictated the need for a new Constitution; how the new text would differ from the 1997 version; and whether technical assistance had been sought for the review process.

11. Citing disturbing reports of women prisoners being held under the charge of male staff in poor conditions and, sometimes, incommunicado, she asked what was being done to guarantee conditions of detention that conformed to international standards and whether the Government would be willing to grant international monitors regular, unannounced access to all facilities. The State party's views on the root causes of the refugee exodus and the action needed to stem the tide and prevent men, women and children from putting their lives at risk in leaving the country would also be appreciated.

12. **Ms. Schulz** asked how the State party guaranteed the independence, impartiality and gender sensitivity of all courts throughout the country and how judges were appointed. The stark contrasts between the statistical data presented in the State party's report and figures from other sources, including the Human Development Index published by the United Nations Development Programme (UNDP), and the Ibrahim Index of African Governance, were confusing and she would like to know the reasons for the discrepancies. She would also like to know what the State party was doing to protect the rights of Eritrean people, including their right to express themselves through parliamentary processes, in the absence of a parliament and constitution.

13. **Ms. Haidar** said that, although the national gender action plan and system of gender focal points were welcome initiatives, the National Union of Eritrean Women did not have the authority, vision or resources to ensure intersectionality and consistency in policy implementation and programme development. She urged the State party to consider establishing a national institution that had adequate powers and resources and would complement the work of the National Union. She would like information about the National Union's budget and the impact of its work in the various fields and suggested that, in future,

it should strive to become more inclusive and to strengthen the ties between State and civil society.

14. **Ms. Lijam** (Eritrea) said that compulsory national service had had a fixed 18-month term when first introduced in 1995 but that, with the outbreak of war, the Government had had no choice but to remove the time limit. The national service obligation was shortened or lifted in the event of pregnancy or illness, inter alia. The authorities would like to reinstate the 18-month limit, but for the time being national security interests dictated a continuation of the status quo.

15. The Government was proud of its ex-combatant women, who had willingly joined the struggle to emancipate the country, and sought to engage them fully in reconstruction and peace-building processes. Eritrea had been an active participant in regional peace initiatives and had hosted a number of workshops.

16. There were several detention centres for women in Eritrea, as required to enforce the law, but reports of incommunicado detention and harassment by prison guards were unfounded. The same applied to reports that Eritrea was second only to Syria as a refugee-producing country. The Constitution of 1997 remained both effective and effectual. However, the experiences of the past two decades and the needs of the future had rendered certain amendments necessary.

17. **Mr. Osman** (Eritrea) said that the Government was working to stem the outflow of refugees. Both push and pull factors were in play, the latter being especially strong in the case of young, educated Eritreans. In addition to having ratified the Palermo Protocol, Eritrea was contributing to the European Union-Horn of Africa Migration Route Initiative (Khartoum Process) and other regional forums.

18. A central aim of the justice system was to ensure access for all persons nationwide. For that reason, community courts had been established at village level. At least one of the judges on each court should be a woman.

19. The State party was not considering ratification of the Rome Statute, as it had made clear during the universal periodic review process, but was fully committed to fighting impunity and criminality. Ratification of the Arms Trade Treaty would be given due consideration.

20. The Government had no desire to maintain indefinite national service any longer than necessary, not least because of the associated financial and logistical burden. However, a demobilization effort initiated previously, following signature of the peace agreement with Ethiopia in Algiers, had proved premature. Thus no change was envisaged until peace was consolidated.

21. The 1997 Constitution had been ratified but the outbreak of war had prevented its implementation. The new text would take account of experiences and developments in the intervening years.

22. **Ms. Lijam** (Eritrea) said that the shortcomings in the national data-collection system were fully acknowledged in the report and the authorities were working to address them. The State party also acknowledged the need to review the national machinery for the advancement of women. Closer consultation with neighbouring countries was one possible way forward and the Government envisaged organizing workshops to consider how the machinery might be developed and whether a dedicated ministry of gender affairs was needed.

23. For the time being, however, the National Union of Eritrean Women was fulfilling the role of a ministry despite having no ministerial title. As affirmed in its new constitution, the Union was authorized to represent the Government of Eritrea in all domestic, regional

and international forums in safeguarding the interests and rights of Eritrean women and was mandated to coordinate, monitor and mainstream gender issues at all levels of government. Effectively, the Government had assigned responsibility for women's issues to women themselves and that system was working well, as regular evaluations had confirmed.

24. **Ms. Haidar** said that it was important for bodies such as the National Union of Eritrean Women to maintain their independence so that they could challenge government policy if necessary.

25. **Ms. Schulz** said that figures provided by the International Organization for Migration (IOM) suggested that many young Eritreans were leaving the country and she asked whether the State party would consider shortening the length of compulsory military service as a part of efforts to reverse that trend.

26. She said that no information had been provided on the possible reconvening of parliament or on parliament's role in the nation's life generally and in efforts to achieve gender equality in particular. She asked for clarification of the role of the community courts: did they administer only customary law? She wondered whether community court officials had been provided with information on the Convention and the State party's international human rights obligations. Lastly, she asked why there were discrepancies between the data produced by the Government and that originating from sources such as UNDP.

27. **Ms. Patten** said that she had not received answers to her questions on the national action plan for compliance with United Nations Security Council resolution 1325 and on the Government's stance on ratification of the Rome Statute of the International Criminal Court and the Arms Trade Treaty. She asked why the Government had refused requests to visit by the Special Rapporteur on the situation of human rights in Eritrea and other country-specific mandate holders and whether there were plans to reconsider that position. She also wondered why the Government had not cooperated with the Human Rights Council when it had decided to establish the commission of inquiry on human rights in Eritrea.

28. **Mr. Osman** (Eritrea) said that the various United Nations resolutions on Eritrea were politically motivated; furthermore, certain members of the Committee and others on the Human Rights Council were attempting to use those forums in order to further their own political agendas. The mandate of the Special Rapporteur on the situation of human rights in Eritrea had been established by governments hostile to the State party. The Government was currently considering inviting thematic mandate holders to visit Eritrea and was cooperating with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

29. As to the Rome Statute, Eritrea had been involved in the drafting process but the Statute was applied in discriminatory fashion. Consequently, Eritrea had decided not to become party to that instrument.

30. Community courts applied the Transitional Penal Code of Eritrea, the Transitional Civil Code of Eritrea and other domestic legislation, as well as customary law.

31. Data provided by the Government took precedence over information originating from other sources.

32. **Ms. Lijam** (Eritrea) said that the Ministry of National Development was the sole official source of data in Eritrea. The Constitution was currently being reviewed and that process would lead to the reconvening of parliament.

33. The number of refugees leaving Eritrea would decline over the next few years. Young, well-educated people were being targeted by trafficking networks. The Government was considering plans to reduce the duration of compulsory military service to 18 months.

34. **Ms. Haidar** said that, according to alternative sources, the seats reserved for women in the district, regional and national assemblies were open only to members of the ruling political party. One way to encourage young persons to remain Eritrea would be to promote their participation in the political system.

35. **Ms. Hofmeister** said that the State party should work to abolish the patriarchal system in Eritrea and to ensure equality and gender balance in society. She asked whether studies had been carried out on female genital mutilation, early marriage, the strict enforcement of the Penal Code and the role of the judiciary. She asked about the position of women's NGOs within Eritrean society; how independent national media helped combat gender stereotyping and violence against women; whether there was any information on violence within the family, including marital rape, and whether the security forces and judicial authorities collected data on such offences.

36. **Ms. Gabr** asked whether any studies had been carried out into the root causes of trafficking in persons in Eritrea. She asked for information on the Khartoum Process and the African Union Ouagadougou Action Plan to Combat Trafficking in Human Beings. She also asked whether there were plans to hold training courses with other countries in the region for officials working in the fields of justice administration, border control and management, and to exchange best practices on victim protection and dealing with trafficking in persons.

37. She asked what the outcome of the request made by Eritrea to the Secretary-General of the United Nations for an investigation to be carried out into trafficking in persons had been; whether the Government planned to adopt a specific law on trafficking in persons; and whether Eritrea cooperated with the United Nations Office on Drugs and Crime (UNODC) or with IOM on trafficking in persons. She requested information on cases in which traffickers had been prosecuted.

38. Lastly, she asked whether there were large numbers of migrants in Eritrea; whether the State party intended to become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and whether the Government had any plans to set up job creation schemes for young people and funds for small and medium-sized enterprises.

39. **Ms. Leinarte** asked for additional information on the Behavioural Change and Communication Groups for women and asked whether women involved in prostitution were prosecuted under the Criminal Code.

40. **Mr. Osman** (Eritrea) said that Eritreans seeking political asylum in European countries, even those who were not fit for compulsory military service, were being given preferential treatment. Such an approach to asylum seekers merely served to fuel trafficking in persons. It was for that reason that the State party had requested the Secretary-General of the United Nations to establish an independent fact-finding mission, which would enable Eritrea to present evidence against those parties involved in trafficking. The response of the Secretary-General had been to advise Eritrea to become party to the United Nations Convention against Transnational Organized Crime. The authorities were working to bring traffickers to justice and to set up mechanisms to tackle trafficking.

41. The Khartoum Process involved the sharing of information on border issues with other African countries and the member States of the European Union, and the strengthening of Eritrean law enforcement mechanisms. The Minister for Foreign Affairs had met with representatives of IOM to discuss the problem of trafficking in persons.

42. **Ms. Lijam** (Eritrea) said that, rather than prosecuting prostitutes, the authorities targeted those who sexually exploited women and girls. Prostitutes were given training to encourage them to take up alternative professions, or given loans to start up businesses. The

Behavioural Change and Communication Groups were discussion groups where women and girls formerly involved in prostitution could talk about the problems they faced and possible solutions.

43. As to gender stereotypes and harmful traditional practices, the patriarchal system had broken down as a result of women's and girls' participation in the war of independence against Ethiopia. Following a long campaign, female genital mutilation had been prohibited but there were still isolated incidents. The overwhelming majority of girls under the age of 5 had not been subjected to infibulation. Most births now took place in hospitals and clinics and traditional birth attendants no longer carried out female genital mutilation.

44. As to the role of the media in efforts to tackle gender stereotypes, there were a number of television programmes on problems within the family and women's issues and achievements were highlighted in news reports.

45. **Mr. Osman** (Eritrea) said that, after independence, women had been granted equal status with their husbands as joint heads of the family.

46. **Ms. Lijam** (Eritrea) said that 30 per cent of seats in the various assemblies were reserved for women and 70 per cent were open to both men and women. Candidates for election to the district, regional or national assemblies did not have to be members of the ruling political party.

47. **Ms. Gbedemah** asked what penalties were applied to practitioners and facilitators of female genital mutilation. She pointed out that the Committee had asked for information on the legislation criminalizing violence against women and whether it addressed physical, psychological, economic and sexual violence. The Committee also wished to know whether provision was made for protection orders and whether there were laws on evidentiary procedures. She would like some information on legal aid in Eritrea.

48. **Ms. Gabr** said that the State party might wish to consider setting up a coordinating mechanism to help draft laws on trafficking. She asked what training officials received on victim identification and victim protection. Did the State party have any plans to improve young persons' job opportunities? That was the only way to prevent trafficking.

49. **Mr. Osman** (Eritrea) said that the Government would look into the question of incorporating the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention, into domestic legislation.

50. **Ms. Lijam** (Eritrea) said that she believed that practitioners of female genital mutilation faced terms of imprisonment of 5 to 10 years but would confirm that information in writing.

Articles 7 to 9

51. **Ms. Acar** said that she was concerned that no national elections had been held since Eritrea had gained independence. That demonstrated the absence of a truly competitive political system, and that constituted a severe impediment to women's participation in public life. Although elections were held regularly at the regional level, women remained underrepresented. She wished to know what would be done to rectify that situation. She also wondered why, despite efforts to increase the number of women in public office, very few senior posts were occupied by women. She requested clarification of the statement in the Government's written replies to the effect that any women's organization was "applauded" as long as it did not "conflict with the public interest". Although 10 per cent of Eritrean diplomats were women, there were no female ambassadors. She asked what was preventing women from representing the Eritrean Government abroad at the highest level.

52. **Ms. Schulz** asked whether there was a system of birth registration, and if so, what percentage of births were registered and how the effectiveness of the system was monitored and, if necessary, improved.

53. **Mr. Osman** (Eritrea) said that, since the report had been drafted, a woman had been appointed ambassador to France. The approach used was that women worked their way up through the system, learning as they did so, in order to ensure that they were ready to discharge their duties at the highest level. That approach would yield results in time. Women already occupied senior positions in government: the ministers for tourism, health and justice were all women. On the issue of birth registration, he said that almost all children born in Eritrea were registered at birth, since the majority of women gave birth in medical facilities.

54. **Ms. Lijam** (Eritrea) said that a national registration system was in place for all residents in Eritrea. Births and deaths were registered by regional governors. Regarding women's role in the public sector, the Government was aware of the shortcomings and considerable efforts were needed. Women voters had a significant role to play in ensuring the election of women candidates. Leadership training had been conducted to empower women to stand for election, and efforts had been made to raise public awareness of the importance of voting for them. As a result, women's representation in regional government was higher than ever, at 34 per cent.

55. **Ms. Acar** pointed out that male voters should also be encouraged to vote for female candidates. She asked how many women's organizations operated in Eritrea and what areas they worked on.

56. **Mr. Osman** (Eritrea) said that the regulations for establishing an NGO were set out in the proclamation regulating the conduct of human rights NGOs.

Articles 10 to 14

57. **Ms. Bailey** noted with particular concern that education indicators were well below the standards required to meet the State party's obligations under the Convention and achieve the Millennium Development Goals. Infrastructure at all levels of the education system was lacking, and there was a dearth of qualified teachers. Drop-out rates for girls in particular increased as they moved up the school system: only a fifth of girls of secondary school age actually attended school. The suggestion that women's participation in the adult literacy programme compensated for the absence of girls in the formal education system was not acceptable. She asked what progress had been made through the implementation of the nine-year plan to enhance access to education. She also asked whether there was a time frame for implementing the strategy to improve access to education for girls in rural communities and whether there were any enrolment targets.

58. Girls were underrepresented in higher education, and those who attended were clustered in traditionally feminized subject areas. That situation tended to propel girls into low-paid jobs and kept them economically dependent on a male breadwinner. Furthermore, the majority of teaching staff were male. She wished to know what was being done to attract more women into teaching. She wondered whether the high proportion of male teachers was a factor in the drop-out rates among adolescent females. She asked whether sexual violence in schools was a problem and if so how it was addressed. She requested clarification of the policy of compulsory military training in the final year of secondary school. She wished to know what measures were in place to ensure that girls in military training were not subject to sexual exploitation.

59. **Ms. Pomeranzi** said that the majority of women in the State party were in low-skilled, low-paid jobs. She wished to know how Labour Proclamation No. 118 enforced the principle of equal pay for work of equal value, since that was the most effective way of

eliminating discrimination against women at work. She asked whether regular labour inspections were conducted, in particular in the domestic work, mining and agricultural sectors, where women faced the most discrimination. She asked how the Government ensured that girls were not employed in hazardous and high-risk situations. She asked how women were protected against sexual abuse and harassment during national service.

60. **Ms. Schulz** said that, according to information from the World Health Organization (WHO), spending on health care in Eritrea was considerably less than in other countries in Africa. She asked how health-care programmes were managed when the budget allocation for health was so small. She was particularly puzzled by contradictions in the statistics on female genital mutilation: the State party reported that 68 per cent of girls were subject to female genital cutting, while the United Nations Children's Fund (UNICEF) reported 89 per cent. UNICEF had also reported that 60 per cent of women and girls believed that female genital cutting was a religious requirement. She wished to know which figures were accurate and said that much progress was needed.

61. She was concerned that the use of contraception had declined and asked what was being done to meet the challenges of lack of contraception and lack of protection against sexually transmitted infections. While, by law, abortions could be performed on medical advice and in cases of rape and incest, there was no specific guidance on when medical staff should recommend abortion. As a result, a high number of unsafe abortions were performed outside the health system. She therefore wished to know whether the State party intended to draft guidelines on the matter.

62. Lastly, she said the high number of children and infants dying of malnutrition was particularly alarming. The nutrition situation for pregnant and breastfeeding women was also extremely worrying. She was therefore astonished by the State party's claim to have attained the health-related Millennium Development Goals.

63. **Mr. Osman** (Eritrea) said that financial incentives were given to attract female teachers. Students in the twelfth grade studied at the SAWA training centre before taking their entrance exams for college. Labour Proclamation No. 118 prohibited discrimination and provided for equal pay for equal work.

64. **Ms. Lijam** (Eritrea) said that Labour Proclamation No. 118 provided for the establishment and operation of a labour inspection service. Gender-based discrimination in the workplace was prohibited and a board of inquiry had been set up to hear complaints from female workers who considered themselves victims of discrimination. The rights of women at work were protected under the Proclamation, and the Minister of Labour was responsible for looking into any discrimination cases reported. Any cases would then be pursued by the board of inquiry. With regard to health statistics, the Ministry of National Development published statistics on behalf of the Government. Awareness-raising campaigns were being run on national television to promote the use of contraception, and condoms were distributed free of charge in shops and hotels.

65. **Mr. Osman** (Eritrea) said that Labour Proclamation No. 118 provided for a labour tribunal to settle labour disputes and the National Confederation of Eritrean Workers was responsible for promoting workers' rights. The Ministry of Social Welfare also dealt with labour issues. There had been cases in which employers had been ordered to pay compensation to workers. The Government could not, however, be blamed in the event that cases were not brought before the correct instances.

66. **Ms. Halperin-Kaddari** said that the number of qualified doctors and midwives in Eritrea was exceptionally low and that very few doctors were women. She wished to know what was being done to address that shortage.

67. **Ms. Schulz** reiterated her concern with regard to the discrepancy between the State party's own statistics on female genital mutilation and those issued by international organizations. She would appreciate clarification in that regard. She requested more information on underage pregnancy, in particular on the ages of the girls concerned, and on what was being done to counter early pregnancy and its health implications, which were considerable.

68. **Ms. Pomeranzi** pointed out that "equal work" did not necessarily mean "work of equal value". She requested further information on labour inspections and monitoring of women's situation at work. She would also like to hear more about the situation for women in national service, in particular the State party's response to allegations of profound discrimination against women.

69. **Ms. Bailey** asked whether the fact that the majority of teachers were male had an impact on girls' participation in education. She wished to know whether sexual violence in schools was contributing to high drop-out rates.

70. **Ms. Lijam** (Eritrea) said that there had been no cases of violence against girls in school. The SAWA training centre provided a one-year programme, nine months of which focused on academic studies in preparation for college entrance, and three months of military training in preparation for national service. No information or complaints had been received with regard to sexual harassment or violence against girls in that centre. The Eritrean demographic and health survey was conducted every four years in conjunction with WHO and UNICEF and was the official source of statistical information on population and health.

The meeting rose at 1 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Sixtieth session

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* No summary record was prepared for the rest of the meeting.

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Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth and fifth periodic reports of Eritrea (continued) (CEDAW/C/ERI/4 and 5; CEDAW/C/ERI/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Eritrea took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Ghebremedhin** (Eritrea) said that, as part of efforts to attract more women to the teaching profession, programmes and summer courses had been developed and teacher-training institutes had lowered their entrance requirements. Teachers who excelled at work were rewarded and encouraged to serve as role models for students.

3. **Mr. Osman** (Eritrea) said that health services were heavily subsidized by the Government and available free of charge to persons who could prove their inability to pay. The results of the 2010 Eritrea Population and Health Survey, which included statistics on health-care expenditure, would be submitted to the Committee in due course. With regard to nutrition, the Government promoted a policy of self-sufficiency and had constructed dams and implemented mechanisms to enhance food security.

4. Rape was incompatible with the extended family system that existed in Eritrea and cases of sexual violence were not common. Some reports of rape were fabricated by women seeking political asylum in Western countries.

5. **Ms. Lijam** (Eritrea) said that the many women enrolled in adult literacy programmes tended to be mothers who had been forced to forgo basic education for reasons such as early marriage. The programmes were not, however, considered alternatives to primary education, which was compulsory for all. Primary-school curricula had been translated into nine languages to enable children to learn in their mother tongue, while in secondary schools, the medium of instruction was English. Technical and vocational schools had been set up across the country and women were encouraged to enrol. Training in the use of heavy machinery was provided to both sexes.

6. On the subject of data discrepancies, she said that it was important to refer only to official government sources. In 2010, the prevalence rate of female genital mutilation had been 68 per cent, down from 89 per cent in 2003. Among children under the age of 5, the rate had been 12 per cent, indicating that progress had been made in eradicating the practice.

7. **Ms. Schulz** enquired about the trend in the number of health professionals working in Eritrea and whether health facilities were in a position to meet the needs of the population.

8. **Ms. Lijam** (Eritrea) said that she did not have exact figures to hand, but that shortfalls were likely to persist until the root causes of the brain drain had been addressed. Training medical students took time and many graduates left the country. Even so, the Government had opened several medical training facilities and was committed to producing health professionals.

9. **Mr. Osman** (Eritrea) said that most citizens who left Eritrea did so for economic reasons and that embassies had been instructed to help them work in their country of destination. The return of emigrants was facilitated through the issuance of re-entry permits.

10. **Ms. Pomeranzi** noted that most Eritrean women were employed in the rural sector, where productivity had been limited by drought and a lack of technology. Although

domestic legislation provided for equal access to landownership, patriarchal values and resistance from certain land registration authorities continued to hamper women's access to land and, by extension, financial credit. In some cases, sharia law governed inheritance rights, leaving Muslim women particularly vulnerable to economic discrimination. She said that she would be grateful if the delegation could comment on those issues and indicate whether any specific measures had been developed to address them. The delegation should also explain how women in the informal economy were taken into account in policy dialogues with cooperation partners such as the European Union and specialized agencies of the United Nations.

11. **Ms. Gbedemah** said that she wished to know about the extent of women's participation in local governance and decisions regarding the management of water and agricultural resources. The Committee had been unable to gauge progress in education and health in rural areas as the statistics provided by the State party were not disaggregated by urban and rural areas.

12. Turning to the issue of land distribution, she noted that, according to table 6 in the replies to the list of issues (CEDAW/C/ERI/Q/5/Add.1), women heads of household owned 32.2 per cent of the land covered by the survey. She wished to know whether men owned the remaining two thirds and, if so, how women could assert a legal claim to land, particularly for use as collateral. The delegation should also: indicate whether the impact of programmes to supply agricultural resources had been evaluated; explain why so few women owned commercial land despite their contribution to the rural sector; provide data on subsistence agriculture; and comment on the results of the 2014 Global Hunger Index, which placed Eritrea among the countries with an extremely alarming hunger situation.

13. Lastly, she asked whether domestic legislation provided for the participation of women in mining projects and whether women could influence decisions regarding the environmental impact of mining. The delegation should state whether a study had been conducted on the matter and, if so, what the outcome had been.

14. **Mr. Osman** (Eritrea) said that sharia law, which governed marriage, divorce and inheritance, was recognized by the Government, in keeping with the will of the people. Nevertheless, equal access to land was provided for under the Land Proclamation No. 58/1994 and committees had been set up to protect the interests of women at the village level.

15. Mining companies were under a legal obligation to conduct environmental impact assessments both prior to commencing projects and upon their completion. With regard to employment, recruitment processes were gender sensitive and mechanisms were in place to promote gender balance.

16. **Ms. Lijam** (Eritrea) said that the Government had launched a programme to resettle families from drought-stricken areas in fertile lands. The figure of 32.2 per cent from table 6 in the replies to the list of issues applied only to households headed by women. Land owned by married couples was divided equally in the event of their divorce. Land registration authorities were required to have at least one woman member and pursued a policy of granting land rights only to persons who lived locally.

17. It was a feature of national policymaking that all programmes, including projects funded through the United Nations, the European Union or other partners, must demonstrably be of benefit to women and clearly delineate their role. The data in the Global Hunger Index and in the Human Development Report of the United Nations Development Fund, had not been authenticated by the Government of Eritrea. With respect to mining, the Ministry of Land, Water and the Environment was the sole Government body authorized to monitor and follow up on environmental assessments presented by mining companies. In

addition, there was an obligation to consult with populations in areas potentially affected by mining activities.

18. **Ms. Schulz**, noting that property was distributed equally between spouses in the event of divorce and that land was registered in the name of the head of the family, asked how women were to receive their share of land if the head of the family was a man. It was not clear whether women were sufficiently represented at the local level in the committees responsible for land distribution.

19. **Ms. Pomeranzi** asked whether systems had been put in place to monitor rural development programmes in order to ensure that the views of women and men were equally represented.

20. **Ms. Gbedemah** said that she would have preferred to receive more statistical data: she wished to learn the percentage of female members on the committees; whether gender concerns were taken into account in environmental impact assessments; and what indicators were used to assess issues affecting women. It would be useful to have information on urban and rural differentials in education and health.

21. **Mr. Osman** (Eritrea) said that legislation in Eritrea had been amended to ensure that either a man or a woman could be registered as the head of a family. Land was registered to the head of the family, but each spouse maintained the right to 50 per cent ownership.

22. **Ms. Lijam** (Eritrea) acknowledged that there had been some shortcomings in the provision of data; the delegation would endeavour to provide more information on urban and rural indicators in future reports. At least one of the three posts available in land tenure committees was reserved for a woman and women could count on the backing of the National Union of Eritrean Women in land distribution matters. All property, including land, that was registered during a marriage was allocated equally to the husband and wife. Property registered to a husband or wife before marriage could be shared at their discretion.

23. **Mr. Osman** (Eritrea) asked whether the Committee could clarify its question concerning environmental impact assessments for the mining industry, as mining was still in its infancy in Eritrea and companies had only been in operation for some five or six years.

24. **Ms. Gbedemah** said that it was customary to conduct an environmental impact assessment before mining operations took place that would include gender indicators and women should be involved in the assessment process. Gender components should be built into any local agreements on services.

25. **Ms. Acar** asked whether the concept of the head of the family had been abolished in law and, if not, on what basis the title could be conferred on a man or a woman.

26. **Mr. Osman** (Eritrea) said that the law had been amended to enable either a man or a woman to become the head of the family. Currently, 47 per cent of households in Eritrea were headed by a woman.

27. **Ms. Lijam** (Eritrea) said that the amendment of the law had given equal rights to men and women, empowering women to become heads of households and to open and use their own bank accounts.

Articles 15 and 16

28. **Ms. Leinarte** said that although women had enjoyed equal rights to land and property in Eritrea since 1994, some legal gaps still existed. In some instances, sharia law governed inheritance rights, leaving Muslim women vulnerable to discrimination, since they were usually eligible to inherit only half as much property as male heirs; she asked how frequent were such cases and how the State party intended to eradicate that de facto inequality. The land and property rights of women in polygamous marriages were also

unclear. It was commendable that the minimum age for marriage had been raised to 18 for both men and women, however, it appeared that 20 per cent of girls were married by the age of 15 and 47 per cent of girls were married by the age of 18. She asked whether early marriage was considered by some families as a means for their daughters to evade national service or whether there were other explanations for that phenomenon. Lastly, she asked whether statistical data existed to show how many families were headed by a woman where the choice existed between a man and woman.

29. **Mr. Osman** (Eritrea) said that it was the policy of the Government to respect religious belief and that inheritance for Muslims fell within sharia law. However, land remained the property of the Government and its distribution was not governed by inheritance laws. On the question of early marriage, a girl as young as 15 years could be married in exceptional circumstances and where it was considered by family arbitrators to be in her best interests. The Government recognized that early marriage was a challenge that it must continue to take up. National service was not a burden for women but rather an opportunity for them to assert their equal rights.

30. **Ms. Lijam** (Eritrea) said that a mother in a single-parent family would be registered as the head of the family. In households with two parents, both the mother and the father would be registered as joint owners of any property and they would jointly run the household, participating on an equal footing in the day-to-day decisions concerning their family. She took issue with the assertion that early marriage was a means of avoiding national service; on the contrary, national service provided the opportunity for women to fulfil their obligations as citizens on an equal basis with men.

31. **Ms. Gbedemah** said that she had understood from the explanations provided that lands allocated by the Government were not inherited; she wished to know whether the bar to inheritance would stand in the case of land that had been used for commercial agricultural purposes and in which substantial financial investment had been made.

32. **Mr. Osman** (Eritrea) said that although land was Government-owned, individuals were entitled to the returns on investments made in it and any buildings put up on it could be owned and inherited. Fair compensation was paid when the Government found it necessary to reclaim property.

33. **Mr. Osman** (Eritrea) said that the meeting with the Committee had raised a number of very important questions. Her Government would share the concerns, observations and recommendations that had been put forward with the relevant government departments, civil society and other stakeholders, including the National Union of Eritrean Women.

34. **The Chairperson** said that the delegation's constructive dialogue with the Committee had provided further insight into the situation of women and girls in Eritrea and encouraged the State party to take all necessary measures to address the various recommendations of the Committee.

The discussion covered in the summary record ended at 4.20 p.m.

United Nations CEDAW/C/SR.1293

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1293rd meeting
Held at the Palais des Nations, Geneva, on Friday, 27 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Maldives

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Maldives (CEDAW/C/MDV/4-5, CEDAW/C/MDV/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Maldives took places at the Committee table.*

2. **Ms. Maumoon** (Maldives) said that the 2008 Constitution of Maldives guaranteed the same rights and freedoms for both men and women and upheld the principles of non-discrimination and equality. The Government had pledged to focus in particular on the social, economic and political empowerment of women and to implement a policy of zero tolerance of violence against women.

3. Extensive work had been undertaken to improve the legislative framework protecting the rights of women, including the enactment of the Sexual Harassment and Abuse Prevention Act and the Sexual Offences Act. The new Penal Code, which comprehensively defined all crimes, including rape, would come into force in 2015.

4. Under the Constitution, the gender bar that had prevented women from standing for the Presidency had been removed. Consequently, Maldives had withdrawn its reservation to article 7 (a) of the Convention and the Government was working towards the partial withdrawal of its reservation to article 16 of the Convention.

5. A gender equality bill had been drawn up to transfer certain elements of the Convention into domestic legislation. The bill was designed to promote gender equality, prohibit gender discrimination, including gender-based violence, and ensure equal opportunities for boys and girls in education and training.

6. Gender focal points had been appointed in all ministries, departments and State-owned companies and were being trained in the use of gender mainstreaming tools in order to enable them to incorporate the Committee's concluding observations into their work. The Government had also been working with various partners to carry out gender diagnostic studies in areas such as social protection and employment.

7. Infant and maternal mortality rates had been reduced significantly over the past few years. Women had been granted the right to terminate pregnancies within 120 days of conception under certain circumstances, such as rape or incest.

8. Various awareness-raising programmes on family planning and reproductive health had been launched and health facilities had been set up on a number of islands and atolls to improve access to health care. Under the National Family Planning guidelines, all citizens had the right to family planning services.

9. Significant progress had been made in tackling the gender gap in education, with girls performing better than boys in primary and secondary education. More than half of the students currently in higher education were girls.

10. The Government had introduced flexible working hours and had made it easier for women with children under the age of 3 to work from home. Public officials had been granted the right to 60 days' maternity leave.

11. Following a recent amendment to the Corporate Governance Code, all registered companies were obliged to appoint a minimum of two women to their boards of directors.

12. Work was being carried out to enforce legislation on forced marriage. Maldives had ratified seven of the eight core international human rights treaties, including the Convention, and remained committed to ensuring gender equality and to protecting women's rights.

Articles 1 to 6

13. **Ms. Jahan** said that progress towards Millennium Development Goal 3 on the promotion of gender equality and the empowerment of women was slow. She asked for updated information on the State party's plans to withdraw its reservation to article 16 of the Convention and on the cabinet discussion paper on that issue. More specifically, she asked whether the intention was partial or complete withdrawal of the reservation; she wondered whether there had been any multisectoral consultations, including with civil society, on the cabinet paper.

14. She said that women's rights were in no way contrary to the principles of Islam. Many Muslim countries had made sustained efforts to promote gender equality and had not maintained any reservations to article 16.

15. She expressed concern at the de facto gender discrimination which prevented women from fully enjoying the rights covered by the Convention. She asked how the Government reconciled articles 17 (a) of the Constitution, on the enjoyment of rights without discrimination, and 16 (a), restricting those same rights. Further legislative work should be carried out to ensure that the Constitution contained definitions of direct and indirect discrimination and to bring it into line with articles 1 and 2 of the Convention.

16. She asked for information on the definitions given in the gender equality bill and asked what measures would be taken to follow up the concluding observations of the Committee.

17. With regard to access to justice, there was a lack of gender-sensitive procedures and women were barred from appearing as witnesses in some circumstances. She asked whether steps had been taken to put in place a comprehensive awareness-raising programme on women's rights for prosecutors, lawyers and police officials.

18. **Ms. Haidar** asked for more information on the staff of the Ministry of Law and Gender and the share of the national budget allocated to the Ministry, and enquired how the Government assessed the impact of its gender mainstreaming policy and its Strategic Action Plan 2009–2013. She requested information on plans for the implementation of the gender equality bill and asked for an update on the legal proceedings initiated by the Supreme Court against the Human Rights Commission of Maldives: how did the Government intend to resolve that issue?

19. **Ms. Hameed** (Maldives) said that the cabinet paper on the withdrawal of the reservation to article 16 of the Convention would be discussed prior to its submission to the People's Majlis in March 2015. Civil society had been consulted on both the withdrawal of the reservation and the gender equality bill.

20. **Ms. Maumoon** (Maldives) said that information on the share of the national budget allocated to the Ministry of Law and Gender would be provided later. The proceedings against the Human Rights Commission of Maldives had been initiated as the result of an administrative issue that had arisen when that body was compiling a report. Although the Government could not intervene in the judicial process, it was working with the Attorney General to ensure no similar cases arose in the future.

21. **Ms. Hameed** (Maldives) said that the Ministry of Law and Gender was responsible for all vulnerable groups, including children and women. Family and Child Service Centres had been set up on each atoll and qualified staff were being recruited to deal with victims of domestic and gender-based violence. A number of temporary shelters had also been set up.

both in the capital and on the atolls, to provide victims of domestic and gender-based violence with access to social workers and rehabilitation.

22. **Ms. Maumoon** (Maldives) said that the Government would continue to raise awareness of gender issues and the empowerment of women among judicial officials, parliamentarians and other stakeholders.

23. **Ms. Haidar** again expressed her concern at the legal proceedings initiated against the Human Rights Commission of Maldives and said it was important to ensure that national human rights institutions could carry out their work on an independent basis and without fear of reprisals.

24. **Ms. Jahan** asked what measures had been taken to improve the visibility of the Convention and the Optional Protocol and to increase the capacity of judicial and police officials to ensure that women had access to justice. Laws that might look gender-neutral were often implemented in a manner that discriminated against women, one example being the legislation providing for flogging in cases of "fornication", and she asked how the State party ensured that no discrepancies arose in such cases, in terms of equal treatment of men and women. She asked whether there was an established system under which the Human Rights Commission was automatically consulted on new legislation on human rights and women's rights and whether there were any legislative safeguards in place to protect and promote the rights of women members of religious minorities.

25. **Ms. Patten** asked what was being done to speed up the process of bringing domestic legislation into line with the Convention and whether the Government had considered carrying out a gender impact analysis of existing legislation with a view to amending provisions that discriminated against women.

26. As to access to justice, she asked whether the Government had established a link between a lack of gender awareness among judicial officials and the low number of women in the judiciary. Were there any plans to revisit the recommendations on judicial reform contained in existing reports, particularly those recommendations designed to eliminate discriminatory practices against women?

27. **Ms. Maumoon** (Maldives) said that the proceedings against the Human Rights Commission of Maldives did not constitute reprisals. She said that she would provide written clarification of the case within 48 hours.

28. Many aspects of the Convention would be integrated into domestic legislation through the adoption of the gender equality bill and work was being undertaken to review all laws in the light of the Convention.

29. Migrant workers members of religious minorities had the right to practise their religions in private. All citizens had full access to justice, there were courts on all the islands and there were awareness-raising and training programmes for police and judicial officials on access to justice for women. An increasing number of women were turning to the courts to resolve a variety of issues.

30. **Ms. Hameed** (Maldives) said that the previous concluding observations of the Committee had been disseminated; training programmes had been run for officials on the obligations arising from the Convention; and all training and awareness-raising programmes for women's development committees, local authorities and the general public carried out on the atolls contained a component on the Convention.

31. **Ms. Haidar**, referring to a previous unsuccessful attempt by the Government to introduce a quota for women in the legislature (CEDAW/C/MDV/CO/3, para. 15), asked what the Government intended to do to implement legislation in that regard.

32. As to plans to increase the number of women on the boards of directors of public companies, she asked which body would monitor progress in that regard and whether penalties would be imposed in the event of failure to reach the target.

33. She asked whether there were plans to introduce temporary special measures to meet the needs of women living on outlying islands and atolls.

34. **Ms. Gabr** said that, while she welcomed the State party's efforts to encourage women to take leadership positions, she remained concerned about the persistence of negative gender stereotyping, which could lead to discriminatory actions and attitudes. She requested information on the efforts made to remove gender stereotyping from school textbooks and asked whether there were any media campaigns to address entrenched stereotypes. She noted with concern that more women than men tended to be sentenced to flogging. She asked whether flogging, which was a violation of human rights, was still permitted under the new Criminal Code. She wondered what penalties were imposed on the perpetrators of female genital mutilation. She asked how harassment of women, in particular activists, was prevented, and what measures were in place to prevent violence against women migrants. Lastly, she requested information on the implementation of the Domestic Violence Prevention National Strategy (2014–2016).

35. **Ms. Gbedemah** said that the Committee had been informed that, if found by the authorities, victims of trafficking who were exploited in prostitution and domestic work would be deported. She wished to know what procedures, interventions and services were available to victims when they were apprehended. She asked whether the tourist board was involved in efforts to counter trafficking and ensure compliance with the World Tourism Organization's Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. She asked what measures were in place to address internal trafficking, and whether any timeline was envisaged for ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

36. **Ms. Leinarte** said that, although there had been no official reports of commercial sexual exploitation of children in tourism in Maldives, the Committee had been informed that young girls were often offered material recompense, such as mobile telephones, in exchange for entertainment services in the tourism sector. She asked what measures were taken by schoolteachers and other educators to recognize the early signs of drug use and of girls being pushed into prostitution. She wondered whether any measures were foreseen to bridge the gaps in the Child Sex Abuse Act (2009), notably the fact that a person who was legally married to a minor under Islamic sharia would not be criminally liable for any offences under the Act, including child prostitution. She asked what was being done to protect immigrant women against being forced into prostitution, what services were available to help those who wanted to leave prostitution, whether there were any rehabilitation facilities, and what actions were taken once immigrant women who were involved in prostitution were confronted by the police.

37. **Ms. Maumoon** (Maldives) said that the Government was committed to achieving equal participation for women in politics. The education system and the media were used to dismantle gender stereotypes, as a result of which an increasing number of women were seeking employment in non-traditional areas, such as law, teaching, aviation and the judiciary. That said, growing religious conservatism and extremism were limiting the mobility and aspirations of younger women. Efforts were being made to counter those trends.

38. **Ms. Azza** (Maldives) said that the revision of the school curriculum had included a gender review of the curriculum as a whole and of individual textbooks. The new

curriculum had been rolled out in grades 1 to 3. All textbooks had been scrutinized from the perspective of gender sensitivity and the Government was confident that the new books did not include any gender stereotypes.

39. **Ms. Maumoon** (Maldives) said that the majority of migrant workers coming to Maldives were mostly men, or women seeking domestic work. The Government was committed to tackling trafficking and, owing to its efforts thus far, Maldives had been upgraded from tier 3 to tier 2 on the United States Department of State watch list. While there might be isolated cases of women and young girls being trafficked into Maldives for prostitution, there were other, more prevalent problems for female migrants, such as their conditions of work and rates of pay. Similarly, there were very few cases of young girls being exploited by the tourism industry.

40. **Ms. Hameed** (Maldives) said that the Ministry of Law and Gender had conducted a joint study with the United Nations Children's Fund (UNICEF) on the commercial sexual exploitation of children. The study had shown that only a small number of children were subject to commercial sexual exploitation, most of them from dysfunctional families and involved in drugs and gangs. While the figures were not alarming, the Government remained committed to addressing the problem.

41. Efforts were being made to reduce gender stereotyping, particularly by promoting women's participation in sports, such as football, that were traditionally dominated by men. Advocacy campaigns for gender equality were targeted at men as well as women, and a "he for she" training programme had been held to involve men in women's empowerment. Each year on International Women's Day awards were given to women who worked to counter gender stereotypes. A media campaign was under way to promote women's involvement in professions that were traditionally considered to be for men. The introduction of quotas for political participation had failed in the past, but a new cabinet paper on the issue was under consideration, setting a quota of 30 per cent for women in elected and appointed political posts. The engagement of political parties would be key to the success of that initiative.

42. **Ms. Maumoon** (Maldives) said that the question of child marriage was not an emerging issue in Maldives: women tended to marry in their early to mid-twenties.

43. **Ms. Jennifar** (Maldives) said that, with regard to drug use and prostitution, NGOs were conducting targeted interventions with key populations. Health-care personnel were being trained to identify risk groups and conduct behavioural change interventions. Services included voluntary HIV testing and counselling, access to prevention, drop-in centres and outreach services. There were also targeted peer outreach activities monitored by the Ministry of Health. While there were no official reports on the number of cases, the Government was committed to addressing female genital mutilation. Efforts were being made to address misconceptions through awareness-raising measures in communities.

44. **Ms. Maumoon** (Maldives) said that temporary special measures for vulnerable groups, including quotas for participation in public life, would be set in line with legislation on gender equality.

45. **Ms. Hameed** (Maldives) said that measures were being taken to ensure that women had an equal position to men in society and equal access to services, including health care and education. Affirmative action had been taken, including amending the Civil Service Act to enable young mothers to work flexible hours and to grant them the right to up to six months' paid maternity leave. Guidelines on day-care regulations had been drafted to guarantee high standards and enhance working mothers' confidence in the day-care system. The number of child marriages was small; the Family Court would decide whether to approve the marriage of a minor aged 16 or 17, based on a number of criteria, including whether the minor concerned had earned a school leaver's certificate.

46. **Ms. Haidar** said that, while the measures taken to ensure flexible working hours and maternity leave for women were commendable, she wished to know how those flexible working hours were monitored, whether any day care was available for the children of working mothers and what guarantees were in place to ensure that mothers could return to work without being penalized. She also asked whether the State party was considering making any provisions for paternity leave.

47. **Ms. Gabr** asked whether flogging was still a form of punishment provided for under the Criminal Code. She asked how many shelters were available for women victims of violence, and whether those shelters were well equipped and adequately staffed.

48. **Ms. Gbedemah** asked whether migrant women found working in brothels were deported, and if so, how those deportations were handled, and in particular whether the staff involved received specific training. She also wished to know whether the profiles of sending countries were considered before migrants were deported. According to the Committee's information, victims of trafficking and domestic violence were housed in the same shelters. She asked whether there were any plans to provide separate facilities for them. Although the number of children involved in prostitution was low, vigilance was essential.

49. **Ms. Maumoon** (Maldives) said that, while she understood the Committee's concerns regarding flogging and acknowledged that women were more often subjected to it than men, it had been retained in the new Criminal Code. Finding resources and equipment for the five safe houses and shelters was a challenge. Progress had been made with regard to measures to prevent domestic violence. Comprehensive legislation had been enacted in 2012, and training for officials involved in domestic violence cases was ongoing, in order to guarantee maximum support for victims. Parliament was currently considering ratification of the Palermo Protocol and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Research would be conducted to ensure a better understanding of the phenomenon of child prostitution.

50. Progress had been made regarding maternity leave, which amounted to 60 working days, and on flexible working hours. Consideration would be given to increasing the period of paternity leave allowed, since the experience of working women showed that an increasing number of men were taking family and childcare responsibilities. Despite the improvement in day-care facilities, women's return to work after maternity leave remained a challenge.

51. **Ms. Hameed** (Maldives) said that efforts were being made to obtain support from women's development committees to assist victims of violence and trafficking who sought refuge in safe houses. A memorandum of understanding had been concluded between the Ministry of Law and Gender and the women's development committees. The Department of Gender and Family Protection Services was conducting public awareness-raising programmes for the prevention of domestic violence.

52. **Ms. Maumoon** (Maldives) said that the revised national action plan on trafficking provided for shelter for male and female victims. Although space in shelters was limited, there were plans to ensure adequate space with separate facilities for men and women.

53. **Ms. Haidar** said that the Committee had received information regarding difficulties in guaranteeing fair trials. She asked what was being done to rectify that problem, since a lack of trust in the judicial system would have serious repercussions for Maldives with regard to its efforts to uphold its international obligations. She would appreciate information on the composition of the Judicial Services Commission.

54. **Ms. Maumoon** (Maldives) said that the efforts made to train the judiciary on the Government's obligations under international law were often undermined by politicization.

The Government remained committed to modernizing and improving the judicial system, despite the challenges in that regard.

55. **Ms. Hameed** (Maldives) said that measures were being taken to educate judges and prosecutors about new legislation on domestic violence to ensure effective prosecutions. Further efforts were still required, however, to guarantee justice for victims.

56. **Ms. Maumoon** (Maldives) said that cases had been prosecuted under the Domestic Violence Act, showing that there was access to justice, despite the challenges, and it was hoped that an increasing number of women would seek justice. The Government was committed to upholding women's rights, including in the event of divorce, and to that end, prenuptial agreements were being introduced.

57. **Ms. Hameed** (Maldives) said that, in order to mitigate the negative consequences of divorce for women, an amendment on equitable distribution of marital assets and property had been introduced into legislation on the family. The United Nations Development Programme (UNDP) had assisted with the preparation of prenuptial agreements, to ensure better protection for women in the event of divorce.

Articles 7 to 9

58. **Ms. Acosta Vargas** said she would be interested to hear more about women's participation in sectors other than politics. To judge from government data, no progress had been made in increasing women's participation in any State sector, and out of 14 diplomatic posts, only 3 were held by women. Progress could only be made when a clear and consistent policy was put in place to promote women's participation, which was the bedrock of substantive equality. The women's development committees received no funding and the women involved worked without remuneration. Their decisions did not have an impact on development programmes and the committees therefore appeared to be a waste of women's expertise. She asked why there were no mechanisms in place to ensure their work was effective. Historically, women in the Maldives were subordinate to men. That stereotype was set in infancy and continued throughout women's lives. Women would not take up roles in the public sphere if that stereotype remained ingrained. She asked what strategy was in place to rectify the situation. She also wondered whether, if a quota system was introduced for participation in politics, it would be in place in time to impact on the next elections in 2016.

59. **Ms. Zou** Xiaoqiao expressed concern regarding legislation on nationality, according to which children born out of wedlock to mothers who were not citizens of Maldives were not entitled to Maldives citizenship, even if the father was a Maldives citizen. She wondered how many children were affected. Did the Government intend to amend that provision and take measures to discourage the stigma and discrimination — particularly with regard to access to welfare services — surrounding children born out of wedlock?

60. **Ms. Maumoon** (Maldives) said that women's underrepresentation in politics and the labour force should not be classified as a systematic violation of their rights. The main causes were stereotypical cultural and social attitudes and practical obstacles such as access to childcare and family responsibilities. However, the Government believed that underlying trends were positive, especially at the parliamentary, judicial and administrative level. Women accounted for a growing number of judges and lawyers and, while there were still too few female parliamentarians, more and more women were standing for office. The possibility of using quotas to increase their chances of electoral success would be considered.

61. As the first female Minister of Foreign Affairs, she was committed to bringing more women into senior diplomatic positions despite the obstacles they faced. There were

already numerous female ambassadors and heads of mission and women far outnumbered men overall.

62. **Ms. Hameed** (Maldives) said that women accounted for 45 per cent of the labour force and over half of the nation's civil servants. The majority of working women were employed either in the informal sector or in traditionally female positions in health and education. However, the State's highly active female-led NGO sector was working to promote women in employment and NGOs were regularly consulted about policy and programme development.

63. There were 104 functioning Island Women's Development Committees but their efficacy was impeded by lack of funds and capacity. To reverse that situation, the Ministry of Law and Gender planned to run capacity-building programmes on four atolls in 2015, and the authorities intended to return to the development committees the assets accumulated by the former structures, which had been dismantled in 2008. The aim for the future was that the development committees should have an active and central role in island development, as they had done in the past, when they had been involved in fund raising and running preschools, inter alia. Legislation might be amended to empower them to that end.

64. Proposals for a quota-based approach to candidate selection and the establishment of a pool of qualified women eligible for political posts were currently on the table. Leadership programmes were being run for potential women candidates with support from the International Foundation for Electoral Systems and other international organizations. Longer-term objectives included the setting aside of seats for elected and appointed posts, a review of civil service human resources policy, and affirmative action to prevent the penalization of women who took career breaks for family reasons. A minimum quota of 30 per cent for women judges was also proposed.

65. **Ms. Maumoon** (Maldives) said that women were the driving force of the social development work being done in the NGO sector and were also very active in grass-roots politics. It was hoped that quotas, more affordable childcare and other affirmative action measures would contribute to similar levels of participation at all levels.

66. Women had had the right to pass on their nationality to their children since the enactment of the 1997 Constitution. The authorities were aware that the nationality rights of children born out of wedlock to foreign mothers and Maldivian fathers might be compromised, and were working to address the problem.

67. **Ms. Gbedemah** said that she would like information about women's role in disaster planning and climate change management, and about the measures being used to enhance women's representation in the diplomatic service and in international forums in which decisions affecting women were made. She would also like to know why there were still no women atoll chiefs, and to what extent the recommendations made in the UNDP Baseline Human Rights Survey had been acted upon.

68. **Ms. Maumoon** (Maldives) said that a bill on the Foreign Service that would define roles and responsibilities and enhance professionalism was expected to be passed shortly.

69. **Ms. Hameed** (Maldives) said that women were represented on atoll councils and that some island councils were headed by women. Thus, although the Island Women's Development Committees were not fully functional at present, women made active contributions to local community development.

70. **Ms. Jennifar** (Maldives) said that the Government had adopted a strategic national action plan for disaster risk reduction and climate change adaptation for 2010 to 2020.

Articles 10 to 14

71. **Ms. Bailey** said she was concerned that the overall school enrolment figures might mask underlying discrepancies. Reports suggested that conservative attitudes towards girls in education, which were particularly prevalent in the atolls, might be restricting the attendance of girls, even if they were officially enrolled. Attendance as well as enrolment figures were therefore needed, as well as details of action being taken to counteract traditional views that placed girls at a disadvantage to boys.

72. She was likewise concerned about reports that teenage girls who became pregnant as a result of consensual sex were not permitted to return to school and were treated as juvenile offenders, while social stigma also effectively excluded girls who became pregnant as a result of abuse, even though they were theoretically permitted to return. She would like to know the prevalence of pregnancy among school-age girls; whether there was a clear procedural framework to facilitate their return to education; and whether sexual and reproductive health education was included in the curriculum. Clarification regarding the content of paragraph 149 of the periodic report, which suggested that information on reproductive health was being removed from textbooks, would be appreciated. Lastly, she asked what was being done to attract more girls into scientific and technical areas of study.

73. **Ms. Patten** asked whether any cases of discrimination had been brought before the Employment Tribunal under the 2008 Employment Act; whether there was a labour inspectorate to monitor the Act's implementation, especially in the private sector; and what training officers of the Employment Tribunal received. She would like to know what protection was available to the growing number of migrant women who worked in Maldives, often illegally, on low pay, without adequate health insurance and for unreasonably long hours; whether employment law accorded those women the same rights as other workers; whether working hours, wages and leave entitlements in occupations dominated by women migrant workers were expressly monitored and protected, and if so what monitoring mechanisms were used; and whether ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was being considered.

74. Citing reports that employment in the tourism sector was generally insecure, unregulated and subject to arbitrary conditions, she asked how the State party ensured that rural island women were not exploited in unskilled, unsafe work and, at the same time, that employers in the tourist industry were not deterred from hiring local women.

75. She would like to know what was being done to address the gender pay gap; whether the principle of equal pay for work of equal value was expressly established in the Employment Act; and whether penalties for non-compliance were established. Lastly, she asked whether there was a minimum wage applicable in the informal sector; whether the minimum wage was subject to regular increments; and whether the Government was considering introducing corporate and institutional codes of conduct.

76. **Ms. Zou** Xiaoqiao said that sexual, reproductive and other basic health services did not appear easily accessible in the atolls, due to a lack of adequately qualified staff, insufficient equipment and confidentiality issues which diminished women's trust in health-care facilities. Did the State party envisage allocating more financial and human resources to health care in the atolls and what was it doing to guarantee patient confidentiality?

77. She asked the State party to comment on reports of worrying levels of illegal and unsafe abortion, infanticide and child abandonment, which were associated with lack of sexual and reproductive knowledge, insufficient access to contraception and the stigma attached to out-of-wedlock pregnancies. She would welcome information about any plans to collect information about such pregnancies, to incorporate age-appropriate sex education in the core school curriculum and to increase contraceptive use among the nation's youth.

Lastly, she asked what support and prevention programmes were in place for girls and women exposed to trafficking in human beings, the illegal drug trade and prostitution, who were among the population groups most vulnerable to HIV/AIDS.

78. **Ms. Maumoon** (Maldives) said that school enrolment and completion rates were comparable for girls and boys at the primary, secondary and tertiary levels and that traditional attitudes did not impede girls' education. In fact, it was boys who were more likely to become disengaged, leading many to drop out early to take up fishing or other wage-earning activities. With regard to teenage pregnancies, especially in cases of sexual abuse, every effort was made to ensure that victims could return to school and resume a normal life. However, stigma could be hard to overcome and in some cases tuition was provided in safe houses or shelters. The life skills education curriculum was designed to ensure sexual and reproductive awareness and nurture responsible and safe behaviour among boys and girls alike.

79. **Ms. Azza** (Maldives) said that there was neither official nor anecdotal evidence of ideological barriers to girls' education and that attendance rates tended to be higher among girls than boys. There were no legal barriers to the continuing attendance of vulnerable children, although social barriers such as stigma and bullying could be deterrents. To provide for such children, the authorities had been developing an alternative learning programme in association with UNICEF. Other advances achieved in education included the introduction of a technology-based learning stream and the update of the life skills curriculum, following a gap analysis conducted with support from the United Nations Population Fund (UNFPA).

80. **Ms. Jennifar** (Maldives) said that the Government's general health strategy recognized the importance of sexual and reproductive health services in guaranteeing fundamental human rights. The reproductive health strategy 2014–2018 embraced the primary health-care approach and its five key elements, as advocated by the World Health Organization (WHO), and had five core components: family planning, maternal and newborn health, prevention of unsafe abortion, prevention and management of sexually transmitted diseases, and promotion of sexual health. Family planning services were available on all islands in almost 180 separate facilities, including 6 regional hospitals and 14 atoll hospitals. All medical officers had midwifery training and almost all facilities were manned by a fully qualified doctor.

81. The prevalence of unwanted pregnancy and illegal abortion had not been studied so official statistics were unavailable. Termination of pregnancy was permitted during the first trimester in cases of rape and incest and also when the health of the mother or child was at risk.

82. **Ms. Ali** (Maldives) said that the health-care authorities had been very successful in maintaining the confidentiality of HIV/AIDS cases in spite of the inherent difficulty of doing so in a small community. Media sensitization campaigns to increase understanding of HIV/AIDS and other conditions were ongoing, and training workshops on maintaining confidentiality had been organized for medical officers.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1294

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1294th meeting
Held at the Palais des Nations, Geneva, on Friday, 27 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Maldives (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic reports of Maldives (continued)
(CEDAW/C/MDV/4-5; CEDAW/C/MDV/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Maldives took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Maumoon** (Maldives) said that the Government was committed to preventing and raising awareness of illegal and unsafe abortions, particularly among adolescents. Despite a lack of relevant data, it was convinced that the number of such abortions was low.

3. **Ms. Jennifar** (Maldives) said that a mechanism was in place in health facilities for reporting unsafe abortions. No complaints had so far been received and any estimates of the number of illegal or unsafe abortions were anecdotal and unverified. The Government planned to conduct an assessment of family planning services in 2015 to gauge the level of unmet need given the contraceptive prevalence rate of some 35 per cent.

4. **Ms. Maumoon** (Maldives) said that, although there was no national minimum wage, the principle of equal pay for equal work was respected and the Government intended to strengthen labour legislation further. Women had formerly been discouraged from entering the tourism industry because of a perceived threat to their safety. Sex tourism was not, however, a major problem in Maldives.

5. **Ms. Hameed** (Maldives) said that the Employment Act of 2008 prohibited sex discrimination. The Employment Tribunal, which had five male and two female members, had received more complaints from men than women in 2013.

6. The low level of female participation in the tourism sector was partly due to the difficulty for women to reside in resorts on isolated islands. In recent years, the opening of hotels and guest houses on inhabited islands had gone some way towards addressing the issue. The fourth Tourism Master Plan aimed to attract more women to the sector by opening up career paths, promoting female entrepreneurship and enhancing safety in the workplace.

7. **Ms. Maumoon** (Maldives) said that the Government had made it compulsory for migrant workers to have an employment contract and medical insurance before entering Maldives and that sending States had also strengthened protection measures in that regard.

8. **Ms. Zou** Xiaoqiao, noting that, in paragraph 70 of the replies to the list of issues (CEDAW/C/MDV/Q/4-5/Add.1), it was stated that, in practice, reproductive health services were provided only to married couples, asked why contraceptives were not readily available to all and what the State party was doing to rectify the situation.

9. **Ms. Gbedemah** said that, according to alternative sources, one of the reasons behind the low enrolment rate of girls in education was a rise in fundamentalism. The delegation should describe any measures taken to counter the trend.

10. Noting that persons under 18 could re-enter the school system without restriction provided that they were not married, she asked what approach was taken in the case of female rape victims who had been forced to marry the perpetrator. She also enquired about the lack of data on complaints of sexual harassment filed with the Employment Tribunal. The delegation should indicate whether any such cases had been brought and, if not, why not.

11. **Ms. Maumoon** (Maldives) said that contraceptives were widely available throughout the country, including through the private market, where no distinction was drawn on the basis of marital status. The Government was reaching out to young and unmarried people to raise awareness of sexual and reproductive health issues, with particular attention given to high-risk groups such as drug users.

12. **Ms. Jennifar** (Maldives) said that more qualitative research was needed to assess challenges in the area of sexual and reproductive health. The Government had adopted standards for adolescent-friendly health services, which it planned to introduce in all sexual health facilities.

13. **Ms. Azza** (Maldives) said that while there were currently no mechanisms in place for girls to re-enter school when they dropped out to marry, the Government was cooperating with the United Nations Children's Fund to provide an alternative general education to victims of abuse, girls who had become pregnant and other children who had dropped out for various reasons. Official data suggested that an equal number of boys and girls were out of school and that most came from broken homes.

14. **Ms. Maumoon** (Maldives) said that the Government took reports that an increase in conservatism was keeping girls out of school very seriously and closely monitored data on education. However, available data did not point to a worrying trend in that regard. Maldivian society had always given high priority to education for both boys and girls.

15. **Ms. Hameed** (Maldives) said that no cases of sexual harassment had been brought before the Employment Tribunal. The Government was, however, committed to making workplaces safe for all, particularly women. The Sexual Harassment and Abuse Prevention Act of 2014 required companies with more than 30 employees to set up a committee to deal with sexual harassment complaints and allowed individuals who were unhappy with the handling of their complaint to appeal to the Employment Tribunal. As the Act had been passed only recently, time would be needed to ensure its effective implementation.

16. **Ms. Pomeranzi** asked whether the State party intended to investigate the causes of the disproportionately low level of female participation in the retirement pension scheme and adopt strategies to raise it. The delegation should indicate whether the Government planned to conduct a gender analysis of the legislation underpinning the minimum social protection floor mentioned in paragraph 183 of the State party report (CEDAW/C/MDV/4-5) and provide data on the degree to which different groups of women benefitted from that floor. She asked whether the Government could intervene to address gender disparities in home ownership and, if so, how. It would also be useful to receive information on microcredit schemes.

17. Noting that women's organizations were often not considered stakeholders in the planning of environmental programmes, she asked whether the Government appreciated the importance of empowering rural women, who possessed a great deal of traditional knowledge, and whether it had adopted any specific policies to facilitate their participation.

18. **Ms. Maumoon** (Maldives) said that the Government would look into women's access to the retirement pension scheme and develop appropriate strategies. State-owned land was distributed equitably in Maldives, where land scarcity was a problem affecting everyone.

19. **Ms. Hameed** (Maldives) said that a number of challenges still needed to be met with respect to housing: in 2013, more men had been allocated flats than women, despite the fact that there had been more female applicants. However, farmland was distributed equitably and a growing number of women were moving into the agricultural sector.

20. Since 2012, under the Sabah project, the Ministry of Economic Development had been endeavouring to boost the employment of women who worked from home by

providing them with training and helping them to market their handicrafts and food products locally and overseas. Two business development centres had been opened in the country and four more were planned. Loan schemes had also been established for small and medium enterprises, with women accounting for 40 per cent of the beneficiaries.

21. **Ms. Maumoon** (Maldives) said that the Government was committed to increasing the number of women representatives in island councils and valued the input of rural women in activities related to climate change and the environment.

22. **Ms. Hameed** (Maldives) said, with regard to the question of empowering island women, that training programmes had been organized in three atolls to train women in business skills and give them a more organized approach. Other programmes would be conducted. She added that the President had convened a committee with the mandate of developing a strategy for the economic empowerment of women in atolls.

23. **Ms. Pomeranzi** asked what the State party's concept of economic empowerment was. In her view, it did not relate simply to access to microcredit but rather to the possibility of participating in the whole planning process.

24. **Ms. Hameed** (Maldives) said that one of the tasks of the island women development committees was to contribute to the development plans of islands in partnership with the island councils. That would give the opportunity to bring in women's voices, because there were women on some of the island councils and atoll councils, although the councils were currently not operating with full efficiency.

Articles 15 and 16

25. **Ms. Gbedemah** said that the independence of the judiciary and the creation of a positive atmosphere in the judicial system were indispensable factors in ensuring access to justice by women. If women felt intimidated, they might not wish to take part in the system.

26. The fact that persons under 18 could marry, with the permission of the registrar of marriages, if they had attained puberty, undermined the rationale of establishing an age limit. Even if passing the basic school certificate was one of the criteria required, the fact was that, if a girl was pregnant, the marriage would surely be allowed, even if she had no school certificate. She also asked why the solemnization of marriage excluded women, who would often be in a position to prevent undesirable underage marriages. As for polygamy, she noted that permission depended on a financial assessment of the man concerned. She asked how such an assessment was monitored and how the veracity of the information was checked.

27. She noted that both partners to an illegal cohabitation were subject to the sanction of flogging. She requested data on such sanctions, so that the Committee could judge whether the two partners were treated equally. Even if they were, the stigma of flogging was worse for a woman than for a man.

28. She noted that marital rape was not an offence under the Sexual Offences Act of 2014, except when the parties were separated or not living together. Moreover, in a rape case, the testimony of two males or four females was required. She asked how the Government intended to revise such provisions in order to allow a rape case to proceed on the basis of forensic evidence or the testimony of only one person. The provisions on inheritance were also discriminatory and she requested sex-disaggregated data on the number of marriages and divorces.

29. **Ms. Maumoon** (Maldives) said, with regard to the justice system, that some progress had been made with the appointment of women judges, but more needed to be done to raise confidence in the system, particularly among women. With regard to the minimum age of marriage, it was a positive step forward within her country's culture

simply to have established a minimum age. The reasoning behind the fact that some underage marriages were permitted was that such a course of action was preferable to an unwanted pregnancy or unsafe behaviour. Early marriages were, however, discouraged and their prevalence was, as the statistics showed, very low. It was recognized that early marriage compromised a girl's access to employment and an income. As for polygamy, she said that steps had been taken to reduce the negative impact of polygamy on women. Not only was a financial investigation carried out, but also the consent of a man's other wives had to be obtained. Again, the practice was not widespread. Divorce was a far more pressing problem.

30. **Ms. Hameed** (Maldives) said, with regard to the case in 2012 in which a minor had been sentenced to flogging for illicit sexual relations, that the sentence had been deferred until she reached the age of majority. The High Court had then overturned an appeal by the girl and the Government had not appealed against the High Court decision. A precedent had thereby been established. As for the incidence of underage marriage, it was a concern for the Government and the Ministry of Gender and Family had asked the islands to provide data on the situation. So far, it had been informed of only five cases. As for the question of marital rape, the Sexual Offences Act of 2014 had gone a long way towards criminalizing it, in that it deemed sexual relations unacceptable in certain circumstances: during the dissolution of a marriage in court; while a divorce was pending; with a view to intentionally transmitting a communicable disease; and during a mutually agreed separation.

31. **Ms. Maumoon** (Maldives) said that the Sexual Offences Act had broken new ground, even though it did not specifically refer to marital rape. As for access to divorce, she noted that women, too, were entitled to divorce, particularly in cases of domestic violence. As for the question of maintenance, the Government was committed to ensuring that maintenance was paid by fathers, although more work was needed to improve the situation.

32. **Ms. Hameed** (Maldives) said, with regard to domestic violence, that the Government was trying to raise awareness among women of the importance of protecting evidence of such violence: for example, they were urged not to clean themselves up before seeking medical help.

33. **Ms. Gbedemah** said that, according to her understanding, the author of the pregnancy of the 15-year-old girl sentenced to flogging was her father and she asked what action had been taken against him and what would be done to review and correct the relevant law.

34. **Ms. Gabr** urged the State party to observe and adopt the best practices of other Muslim countries, where women were able to live in harmony with the precepts of Islam and enjoy human rights.

35. **Ms. Jahan**, after endorsing Ms. Gabr's comments, asked how the rights of non-Muslim women were addressed in marriage and divorce. She asked whether separate laws applied to them. As for the President's declaration of zero tolerance of violence against women, she asked whether any legislation had been initiated, or planned, to deal with the negative consequences of divorce and ensure the equal distribution of matrimonial property following divorce.

36. **Ms. Maumoon** (Maldives) said that the Government would take full account of the Committee's remarks about the work of other Muslim countries with regard to the application of Islam. The Government had also been working with Musawah, the non-governmental organization based in Malaysia which had been responsible for much progress in that area.

37. **Ms. Hameed** (Maldives) said that the 15-year-old girl sentenced to flogging had been taken into State care and was currently enrolled in a programme that would provide her with job opportunities and keep her safe until she had completed her rehabilitation. She added that the father of her child had been not her own father but her stepfather. The case against him was continuing. As for the division of property, she said that an amendment to the Family Act had been sent to the People's Majlis to ensure that matrimonial property and assets were divided equitably in cases of divorce. The introduction of prenuptial agreements was also a step forward, but women needed to be made more aware of that option.

The discussion covered in the summary record ended at 4.20 p.m.